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CALENDAR
OF
STATE PAPERS
COLONIAL SERIES
AMERICA AND WEST INDIES
1732

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EDITED BY
CECIL HEADLAM, M.A.

AND
ARTHUR PERCIVAL NEWTON, D.Lit., F.S.A.
Emeritus Professor of Imperial History in the University of London,
Fellow of King's College, London.

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CONTENTS

	PAGE
INTRODUCTION	v
CORRIGENDA	I
CALENDAR	1
INDEX OF PERSONS	291
INDEX OF PLACES AND THINGS	320

INTRODUCTION

The papers of 1732 are considerably less in number than those for either 1730 or 1731. Whereas they numbered respectively 652 and 595, without counting enclosures, there are only 518 abstracts for 1732 and this volume is therefore smaller than those of the two previous years. There seems to be no special reason for the diminution, though some part of it may possibly be attributed to a decline in the number of David Dunbar's prolix letters.

§ I.

GENERAL.

Spanish
seizures
and British
reprisals.

The long negotiations with Spain were still being carried on by Benjamin Keene and his fellow commissaries in Madrid, and the depredations of the Spanish guarda costas on British shipping in the West Indies were certainly fewer in number than they had been for some years. This was due to the fact that on $\frac{7}{18}$ January 173 $\frac{1}{2}$ the King of Spain in deference to the representations of Great Britain had issued a cedula restraining his Governors in the Indies and on $\frac{28 \text{ Jan.}}{8 \text{ Feb.}}$ 173 $\frac{1}{2}$ a reciprocal declaration had been signed by the British Minister Plenipotentiary in Madrid (415). But in May 1732 Capt. Aubin, commander of H.M.S. *Deal Castle*, seized a Spanish ship *La Dichosa* in the Bay of Campeachy by way of reprisal for the capture of the British ship *Wool Ball*, which had been taken in June 1731 by a Spanish privateer off the Colorados near Cuba and carried into the port of Campeachy for condemnation as having been engaged in illicit trade with the Spanish colonists. The Court of Spain complained of the seizure as contrary to the British declaration, and the Duke of Newcastle therefore sent orders to Sir Chaloner Ogle, commanding the squadron on the West Indies station, to restore *La Dichosa* with all her apparel, furniture and lading in the condition in which it was at the time of her seizure (415). Major-General Hunter, Governor of Jamaica, was informed of this order to Sir Chaloner Ogle (417), and it was also handed by the Duke of Newcastle to the Spanish Ministers to be transmitted to the Governor of Cuba.

But the Duke told Ogle that if any embargo had been laid by the Spaniards in revenge for his reprisal, such embargo must be removed and all ships and effects belonging to British subjects restored at the same time that the Spanish ship was delivered up. There was clearly a suspicion in Newcastle's mind that the Spaniards might not be playing fair in the observance of the reciprocal declarations, for he told Ogle to be particularly careful to see that copies of the order were sent to all the Spanish ports in the Caribbean and especially to Vera Cruz "in such manner as there may be no reason to apprehend chicane or delay" (430). Mr. Keene in Madrid was also informed of the matter, so that he might be prepared for any effect that reacted upon his negotiations.

Jamaica and
the commerce
of the
Spanish
Indies.

Jamaica was the colony most interested in relations with the Spaniards, and in the representations of its Council to the King we can trace how closely its commerce was bound up with those relations. In November 1731 and again in February 173 $\frac{1}{2}$ the Council and Assembly sent to London elaborate Addresses to explain the causes of the depression then affecting the colony, and each put the decay of their commerce in the forefront. "We confine ourselves," the Council wrote, "to the most obvious and visible causes of our misfortunes. . . the decrease of our white people and the decay of our trade and planting interest."

"The decrease of our people is in great measure owing to our loss of commerce. We are of late years deprived of the most beneficial branch of our trade, the carrying negroes and dry goods to the Spanish coast . . . A further discouragement to our trade is the frequent hostilities committed by the Spaniards, who, regardless of the solemn treaties entered into with Your Majesty, spare no English vessel they can overcome, and from whom it has been hitherto in vain to attempt the obtaining any satisfaction in these parts. The Bays of Campeachy and Honduras were many years in the possession of Your Majesty's subjects and reputed part of the territories depending on Your Majesty's Government of [Jamaica. They] gave employment to a considerable number of shipping and people to cut and carry logwood from thence, but we have been dispossessed of them by the Spaniards, who likewise there seized and made prizes of a great number of ships belonging to Your Majesty's subjects" (83 i).

Disputes over
the Assiento
and the South
Sea Company.

The Spaniards had never receded from their determination to exclude all foreigners from legitimate trade with their colonies, and therefore it was protection for their illicit trade that was sought by the Jamaicans. Only in one case had Spain been compelled to make a breach in her exclusive system when, by the treaty of Utrecht, the Assiento or contract for the supply of negroes to the colonies was placed in the hands of the South Sea Company. This led to incessant wrangling with the Spanish Governors and it was also regarded in Jamaica as a perennial grievance. In 1732 the matter arose upon an Instruction sent to the Governor of Jamaica, which had been drawn up on the representations of the merchants of Bristol and Liverpool. They petitioned for the disallowance of what was called the Additional Duty Act passed in Jamaica as hampering their trade in negroes, and the instruction they procured forbade the Governor to pass any act for laying duties upon the importation or exportation of negroes in Jamaica. Governor Hunter at once laid the new instruction before the Council and Assembly and they warmly protested, for they saw the hand of the unpopular *asientistas*, the South Sea Company, at work to further their own interests which had destroyed Jamaica's clandestine trade with the Spanish colonies that in earlier years had been so valuable. "The duty on the exportation of negroes commonly called the Additional Duty has been a standing charge on such export since the year 1693 in order to supply all extraordinary occasions of the Government," said the Address: "and was never thought unreasonable or burthensome till the late South Sea Company established a factory in [Jamaica] to carry on the Assiento Contract which [is] of the utmost ill consequence to the inhabitants of this island, who through their means are deprived not only of their trade to the Spanish settlements, but of the great part of their strength, consisting in the numbers of seamen, at least of one thousand two hundred, who were employed in that trade besides near 200 sail of vessels in and to the Bays of Campeachy and Honduras. Your Majesty's undoubted right and property have both been in a manner given up by that Company by their attorning tenants to the Crown of Spain and licensing some few vessels under them to trade to those places" (245).

Rival
interests.

The representations from Jamaica were referred by the Duke of Newcastle to the Board of Trade for examination, for clearly the matters in debate were of great importance in connection with

the long drawn out negotiations which Benjamin Keene and his fellow Commissaries were conducting in Madrid. There were four distinct interests involved, the Crown of Spain which wished to prevent all foreign intercourse with its settlements, whether licensed or illicit, the South Sea Company which sought to be the sole English enterprise carrying on that trade in virtue of its Assiento Contract, the Jamaica merchants who wanted a free hand to carry on their old illicit trade in merchandise and logwood and to be protected from the guarda costas, and lastly the merchants of Bristol and Liverpool who objected to the South Sea Company's exclusive privileges and wanted free trade without colonial duties or restrictions. The hand of every one of these four parties was against each of the others, and so the Government found it no such simple matter as it would have been if a straight-forward English contention had had to be supported against Spanish pretensions.

The various parties on the English side were summoned to attend the Board in July with their counsel. Mr. Delafaye attended as Agent for Jamaica in support of the Act for laying additional duties on negroes. Sir John Eyles and several other directors represented the South Sea Company, and Messrs. Harris and Wood spoke for the merchants of London, Bristol and Liverpool, as they had frequently done at earlier enquiries concerning West India trade (*Journal*, p. 307). Certain of the memorials presented by the various parties to the enquiry appear among the papers calendared here, but their relations cannot be properly understood without consulting the minutes of the enquiry recorded in the *Journal*. If these be taken as the basis, the various papers on either side fall into place and the rival contentions can be appreciated.

Opposing
contentions
of Jamaica
and the
Company.

The Jamaicans maintained that the duties upon the export of negroes from the island had been charged without complaint from 1693 to 1717 while they had a considerable trade to the Spanish settlements. In that year the trade was quite lost by the South Sea Company's carrying on their trade from Jamaica and the price of negroes to the island planters was considerably increased. In answer to this contention the Company's counsel observed that the carrying on the Assiento trade from Jamaica was an advantage to the island, inasmuch as the South Sea Company employed many of their sloops and men, and as the Company was obliged by their contract to furnish the Spaniards with

4800 negroes annually, they were obliged to carry to Jamaica near double that number, because the Spaniards, being very nice in their slaves, would not receive any with the least blemish. This great importation of negroes must consequently make negroes cheaper in Jamaica, and since the island had become thus the market for slaves between the South Sea Company and the Spanish West Indies, it must have other advantages thereby, for the Jamaica sloops did not come home empty from the Spanish West Indies. On the other hand the South Sea Company were losers by their negro trade, of which the Spaniards were so sensible that they allowed them their annual ship to make up that loss. It was the practice of the authorities of the island to charge the whole cargo with the additional duties, contrary to the instruction given to the Governor in 1727 even though only a part of the cargo was sold (328, *Journal*, p. 308).

Contentions
of the British
merchants.

The British merchants by their counsel claimed that the Act ought to be disallowed on other grounds. It really laid duties on the manufactures of Great Britain because the merchants trading to Africa constantly exported there malt spirits and other manufactures which they bartered in exchange for negroes. The duties were particularly prejudicial to the merchants for this reason and also because their factors in Jamaica were obliged to keep considerable sums of money by them or to sell part of the cargoes consigned to them almost at any rate to pay the duties chargeable upon the remainder. Allowing the assertion of the Jamaicans to be true, that the Assiento contract had been a prejudice to Jamaica, yet it was not right that the British merchants should be compelled to shoulder the whole burden (*Journal*, p. 309).

Jamaica's
reply.

To these contentions the Agent for Jamaica replied that the duty could not be a burthen upon the merchants because if the planters bought their negroes, they in fact paid the duty by the enhanced prices, and if they were sold to the Spaniards, it was they who paid the duty. Before the Assiento contract came into the hands of the South Sea Company, Jamaica annually employed in the trade to the Spanish West Indies about 200 sail of sloops and 1200 men, while in 1732 the Company only employed six snows and 200 men. Since the Company alleged that they were the losers by the contract, the island of Jamaica was willing to take over the Assiento from them and allow them the annual ship into the bargain. However, this offer was not taken seriously and

when the memorials against the duties (327, 328) had been considered, the Board of Trade decided to report to the Duke of Newcastle that the representations of the merchants and the South Sea Company should be acceded to, the Act disallowed and the Instruction to the Governor against any similar measure re-emphasised (336, *Journal*, p. 310).

Complexity
of West Indian
trade.

The whole of this matter is illustrative of the intimate complexity of the trade questions which made up the greater part of our relations with Spain in the colonial sphere. So many interests of divergent sorts were involved on both sides and so constantly were they being affected that it was impossible to expect anything but incessant friction between the subjects of the two powers in the Caribbean. Wrangle followed wrangle with wearisome monotony and there could be no doubt that the profit which England thought that she had won at Utrecht was in reality illusory and detracted from the stability of our West Indian position.

Spain and
the Indians
on the border
of Carolina.

On the northern and north-western frontiers of the British colonies the perennial complaints against foreign intrigues among the Indian tribes accused the French at Quebec, but there were similar complaints in the south which were directed against the Spanish authorities at St. Augustine. Neither Virginia nor North Carolina was much concerned with Indian difficulties at this period, for the numbers of their redskin inhabitants were greatly reduced. It was upon the shoulders of South Carolina that the burden lay, and the frontier tribes with whom they had to deal were the Creeks. In September 1732 Governor Johnson wrote about Spanish intrigues against British influence and trade with them. "We are alarmed" he wrote to the Board of Trade, "by two of our Indian traders having been killed near the Creek nation in their way thither, but that nation disavows the fact, and all our people who are amongst them are safe and civilly treated. We have not yet discovered the murderers, but we apprehend it has been done by some Spanish Indians at the instigation of the Spaniards of St. Augustine to terrify our traders from remaining at the Creek nation, that they may not have the opportunity of putting those Indians upon opposing the Spaniards building a fort and re-settling the Province of Appalachia in that neighbourhood, out of which they were driven thirty years ago. They have actually, we are informed, begun the building a fort

there. 'Tis the king's ground by right of conquest, but how far the not having kept possession will make it not so, I leave to your consideration. I have done all I could by my Agents among the Indians to induce them not to suffer them, but they have a party among the Creek Indians as well as we " (394, *see also* 490 ii, iii). The troubles along the only long land frontier of the empire were similar both in the south and the north, though the Spaniards were less persistent in their intrigues with the Creeks than were the French among the Iroquois, and so they were less dangerous. But the problem of the relations of our frontiersmen with the nomadic Indian tribes was certainly dual and the authorities in London had to bear that fact in mind when they devoted any attention to the question which was slowly growing in importance and was to fill such a prominent place in shaping our policy in North America in later years.

French
encroachments
on the
western
frontier.

It was noted in the Introduction to the previous volume of this Calendar that in 1731-2 the encroachments of the French were already giving rise to serious concern in London. The Home authorities were kept informed of them by reports from Lieutenant-Governor Gordon of Pennsylvania and President Rip van Dam of New York (35, 41), and the Board of Trade passed on these reports to the Secretary of State. In reply he required them to consider the danger to which the trade and security of that Province might be exposed and to suggest methods by which a stop might be put to the French encroachments (138). In accordance with this reference the Board reported to the Duke for submission to the King that it was undoubtedly true that the Crown of France being always desirous of extending the Dominion of New France had omitted no opportunity of encroaching upon neighbouring territories. Under the pretence of carrying on their trade with the Indians the French frequently erected small huts or trading houses in the Indian lands, which in a little time they converted into forts. They then set up a claim to the property of the soil and the dominion of the surrounding territory. By this illicit means and the zeal of their missionaries they had been " able to draw over several Indian nations and to establish a communication between their territories on the Continent of America lying on the back of the English settlements from the entrance of the River St. Lawrence to the mouth of the Mississippi which opens into the Bay of Mexico." They had recently built a fort at Crown Point

within three days march of the city of Albany (see *C.S.P.* 1731 Introduction), which was manifestly a breach of the Treaty of Utrecht since the fort was erected in the country of the Iroquois commonly called by the name of the Five Nations or Cantons of Indians whose ancient subjection to the dominion of Great Britain was acknowledged by France by the Fifteenth Article. Although the French subjects should by artifice have obtained permission from the five Nations to make the settlement, that permission must be invalid without the King's special allowance and the Board therefore proposed that H.M. ambassador in Paris should be instructed to make effectual protest to the Court of France and demand that the fort at Crown Point should be demolished (160). The further progress of the protest does not appear among these papers, but must be sought in the State Papers, Foreign, France.

French
encroachments
in Nova
Scotia.

Besides those who were responsible for the defence of the frontiers of Pennsylvania and New York, the British authorities in Nova Scotia were continually worried by what was going on in the Gulf of St. Lawrence. We have repeatedly referred to this in the Introductions to earlier volumes, but the activities of the French in the region were now taking a new turn. The northern shore of the Bay of Fundy was generally destitute of white settlers, either French or English, but in the fall of 1731 a small colony of French who crossed over from Nova Scotia established themselves on the River St. John and refused all obedience to the British authorities at Annapolis Royal (259, *p.* 147). A Committee of the Council of Nova Scotia represented the great danger that was likely to arise from this small beginning, for it seemed probable that before long a fort would be erected in the new settlement and so our fisheries in the Bay of Fundy would be at the mercy of the Frenchmen. Already the French fishermen who had been driven out from Canso had established a great fishery at Cape Gaspé (454, *p.* 252), although it was claimed as lying within H.M. dominions as ceded by the Treaty of Utrecht. Being undisturbed for several years they had firmly established themselves and so held the whole of the southern shore of the Gulf of St. Lawrence (259 iv). Lieutenant-Governor Armstrong therefore summoned those who had settled on the River St. John to come before him at Annapolis to give an account of themselves and to purge their "audacious presumption" by settling on the St. John "or at any other place within his sacred Britannic Majesty's province or

dominions without liberty first obtained ” (259 vii). The settlers took no notice of this summons, but Armstrong learned that they claimed a right to their lands under a grant that had been made by Mons. de Vaudreuil at Quebec in 1722 (259 xi).

The British commanders were convinced that these actions were undertaken with the connivance of Governor St. Ovide of Cape Breton or even according to his direct order. The Indians round Les Menis at the head of the Bay of Fundy, under the prompting of “ their most insolent priests who come and go at pleasure ” under pretence of the articles of the Treaty of Utrecht which promised them freedom of religion, had interfered with the Englishmen who were opening up a colliery at Chickenectua. They used for an argument what had been instilled into them by Governor St. Ovide, that though the English had conquered Annapolis, they had never possessed themselves of Les Menis or the other northern parts of the Province. He told them and the French inhabitants of Nova Scotia, even those who had taken the oath of allegiance, that if they permitted the designs of the English to succeed the whole province would be lost to them. He thus attempted to destroy the Articles of Peace with the Indians which had been concluded both in Nova Scotia and New England (*pp.* 251, 254), and so all the British possessions round the fisheries were faced with imminent danger.

Appeal for
help from
Massachusetts.

To avert this danger Armstrong not only asked for further support from England but also wrote to Governor Belcher in Massachusetts. He pointed out that “ all our troubles proceed originally from the French by the influence they have over the Indians, which they will always maintain while our English merchants employ them to sell their goods to the Indians, whereby they keep us at a distance, make the latter depend upon them, engross the whole management of the fur trade and run away with the profit.” He proposed that the General Court of Massachusetts should erect brick trading houses at St. John’s River and elsewhere on the mainland of Nova Scotia which would be a means of bringing the neighbouring Indians, the most powerful tribe in the province, to entire dependence upon them (455 ii, No. vii). It will be remembered that Massachusetts had been in opposition to David Dunbar’s project of forming a new “ Province of Georgia ” round Frederick’s Fort not far from this disputed region and that the colony claimed extensive rights over

the whole region, so that Armstrong's proposal had a good deal to be said in its favour.

Massachusetts
and the
fisheries.

The Massachusetts fishing merchants had large interests in the English fishing station at Canso (496 ii) which is mentioned later. The New Englanders were particularly threatened by French encroachments on the fisheries. The growth of their ambitions was proceeding very rapidly. Captain Fitch, the naval commander on the Canso station, wrote that "the French have a very great fishery upon the island called Isle Royal and islands adjacent, which is most carried on by boats, but [they] have many ships and schooners." There were no less than 7000 fishermen on that coast, part of whom came annually from France, but the rest remained the winter at the settlements, which were many. The chief was Louisbourg which was now a very large town and had recently been walled. Upon the fortifications that commanded the harbour were 122 great guns besides 36 brass cannon of 42 pounders which had been brought over during the past year (p. 283. *see also* p. 28). The French were also beginning a great new settlement at Isle St. Jean (now Prince Edward Island), and the Board of Trade and Plantations were informed from various sources of what was going on (e.g. p. 252) and warned of the dangers that could not fail to arise from these new French plans. Some of the news that was sent to them may not have been very reliable, but that much important activity was going on was certain.

French
activity at
Isle St. Jean.

David Dunbar wrote of "six French men-of-war at Louisbourg on the Island of Cape Breton *full of Jews* to settle the Island of St. Johns in Baie Verte back of the bottom of the Bay of Fundy which is already planted only with French who will supply and maintain this new intended settlement of St. Johns with bread, corn and live cattle if not prevented" (p. 200). It seems as though Dunbar was confusing the settlement of Isle St. Jean with the new settlement on the River St. John, but at any rate his story of the six ship-loads of Jews was frankly incredible. However, he knew from his own observation what the French were doing on the Penobscot, somewhat further to the south, and that was disquieting enough. "The French Governor at Quebec takes upon him to give commissions to the Indians in this country and makes them believe that they and the French men settled among them are subjects of France; he may perhaps deny this," so Dunbar wrote, "but I myself had in my hand and read a commission from Mons. Bouruchois, the present Governor of

Quebec, dated September last to the Chief of the Penobscot tribes as such, and enjoining obedience from the rest . . . The said Indian chief in virtue of it carried a white flag in his canoe even before H.M.S. *Scarborough*, who I hear made the Indian strike that flag " (p. 200). Several Frenchmen had lately come from Canada and settled near Penobscot and their numbers were increasing fast. In Newfoundland, on the other hand, the French were doing nothing contrary to the Treaty of Utrecht : there were no French remaining at Placentia : they did not come to the north of Cape Bona Vista and there were apparently no intruders from Cape Breton who came to take furs or hunt in Newfoundland (404 i, p. 226). The old rivalry which had caused so much difficulty in the first years after the Treaty had thus apparently died down, and it was upon the mainland that their encroachments were now most dangerous. The proceedings of their priests among the Roman Catholic inhabitants in the peninsula of Nova Scotia are referred to later when we come to deal with that colony's domestic affairs.

English and
French in the
Neutral
Islands.

There was a lull in the rivalry between the English and the French in the "Neutral" Islands and there are few papers referring to matters there. According to the agreement that had been reached earlier the King of France sent orders (25 i) to the Governor of Martinique to evacuate all French subjects from St. Lucia, St. Vincent and Dominica, and in forwarding a copy of this order to the President of Barbados, who was then administering the government in the interim between two Governorships, the Secretary of State ordered him to communicate with Martinique and concert proper measures for the mutual carrying-out of the evacuation (25). The preparation of the original order for evacuation on the British side was completed by the Board of Trade in September 1730 (*Journal*, p. 148) and the French order to the Marquis de Champigny, Governor of Martinique, was dated in December of the same year (25 i), but two years later there was still no news from Barbados of the evacuation having been carried out, and it was not until July 1733 that the authorities in London learned what had been done upon the orders (*Journal*, p. 351). The whole affair is a good illustration of the inevitable delays in dealing effectively with far-distant colonial difficulties. Those delays were not attributable wholly or even mainly to the dilatoriness of the parties concerned, but rather they were unavoidable when communications were so bad and so irregular,

Parliament
and the
colonies.

Turning from international difficulties to affairs of constitutional interest respecting the colonies we may note that both Houses of Parliament were concerning themselves with colonial affairs far more closely than they had ever done before. On 5 May, 1731, the House of Commons presented an address to the Crown praying that the Commissioners of Trade and Plantations might be directed to report upon (1) laws made in the Plantations (2) manufactures set up and trade carried on there which might affect the trade, navigation and manufactures of Great Britain (*Commons' Journals*, xxi, 753). The address was again presented in identical terms in January 1731¹ (*ibid.*, xxi, 760) and the Board then consulted the House as to whether an immediate report was required or whether they should wait until they had received answers to the circular letters which they had despatched to all colonial Governors (87, *p.* 53). Since an immediate report was asked for, the Board proceeded to draw one up from the materials in their possession, and this occupied them and their officers steadily through January and February (see *Journal*). The resulting report is of great interest as giving a conspectus of the colonies and their problems as seen by those who were responsible for advice upon them. It is long (*pp.* 52-62) and is mainly concerned with the second question asked, but it begins with a survey of the constitutional position which may be quoted fully.

The
constitutional
position in
the colonies.

“That the House may be the better apprised with what regards the laws, we . . . premise some particulars relating to the constitution of the several colonies and to the powers vested in them for the passing of laws. Many of the British Colonies in America are immediately under the Government of the Crown : others are vested in Proprietors, as Pennsylvania, Maryland, and not long since the Bahamas and the two Carolinas also. There are likewise three Charter Governments. The chief of these is the Massachusetts Bay, commonly called New England, the constitution whereof is of a mixed nature, where the power seems to be divided between the King and the People : but in which the People have much the greater share ; for here the people do not only choose the Assembly, as in other colonies, but the Assembly choose the Council also, and the Governor depends upon the Assembly for his annual support, which has too frequently laid

¹ For the debate preceding this second Address, see Cobbett, W., *Parl. Hist.*, viii, 918-921.

the Governors of this Province under temptations of giving up the prerogative of the Crown and the interest of Great Britain.

“The two remaining Provinces, Connecticut and Rhode Island are Charter Governments also, or rather Corporations where almost the whole power of the Crown is delegated to the People ; for they choose their Assembly, their Council and their Governor likewise annually, and hold little or no correspondence with our Office . . . All these colonies, however, by their several Constitutions have the power of making laws for their better government and support, provided they be not repugnant to the laws of Great Britain, nor detrimental to their Mother Country. And these laws, when they have regularly passed the Council and Assembly of any Province and received the Governor’s assent, become valid in that Province, repealable however by His Majesty in Council upon just complaint, and do not acquire a perpetual force unless confirmed by H.M. in Council.

“But there are some exceptions to this rule in the Proprietary and Charter Governments : for in the Province of Pennsylvania they are only obliged to deliver a transcript of their laws to the Privy Council within five years after they are passed, and if H.M. does not think fit to repeal them in six months from the time such transcript is so delivered, it is not in the power of the Crown to repeal them afterwards. In the Massachusetts Bay also, if their laws are not repealed within three years after they have been presented to H.M. for his approbation or disallowance, they are not repealable by the Crown after that time. The provinces of Maryland, Connecticut and Rhode Island, not being under any obligation by their respective constitutions to return any authentic copies of their laws to the Crown for approbation or disallowance, or to give any account of their proceedings, we are very little informed what is doing in any of these Governments.

“All the Governors of colonies who act under the King’s appointment ought within a reasonable time to transmit home authentic copies of the several acts by them passed, that they may go through a proper examination. But they are sometimes negligent in their duty in this particular and likewise pass temporary laws of so short continuance that they have their full effect even before this Board can acquire due notice of them. Some attempts have been made to prevent this pernicious practice. But the annual support of Government in the respective Colonies, making it necessary that laws for that purpose should pass from year to

year, they have frequently endeavoured in those laws, as well as in others of longer duration, to enact propositions repugnant to the laws of Great Britain."

"Tacking." This evil practice of "tacking" has been referred to in previous Introductions, but it has never been set out more clearly as a major cause of complaint than it is here in the words of the Board of Trade for the information of the House of Commons. Of this practice, the Board wrote, "they have never failed to express their dislike to the Crown, and many laws have from time to time been repealed on that account" (p. 54).

"As to such laws as do not fall directly within the above rule," they went on, "of which no complaint is made, and where the Board are doubtful of the effect they may have, it has always been usual to let them lie by probationary, being still under the power of the Crown to be repealed in case any inconvenience should arise from them. It has also been usual that where a law has contained many just and necessary provisions for the benefit of the Colony where the same passed, intermixed with some others liable to objection, to let the same lie by, giving notice to the Governor of the Province [where] that law passed that it should be repealed if he did within a reasonable time procure a new law, not liable to the like objections, to be substituted in place thereof" (p. 54).

Laws of
Rhode Island.

That the legal position concerning the laws passed in some colonies was very unsatisfactory was shown by the opinion of the Attorney and Solicitor General on the case of the laws of Rhode Island (340), which is again referred to when we consider the affairs of that colony. They gave the opinion that the Crown had no discretionary power of repealing laws made in that Province, but that the validity thereof depended upon their not being contrary to the Laws of England. The Board realised the serious implication of this and wrote to the Queen, who was then administering the government. "We do not at present see in what manner your Majesty can apply a remedy to the grievances complained of. If the acts passed in the Assembly of Rhode Island can only be vacated by their containing something immediately repugnant to the laws of Great Britain, a very wide field is left open for enacting many things contrary to good policy and highly prejudicial to H.M. subjects, although they may not be so far inconsistent with the laws of this kingdom as to admit of a reversal for that reason only" (367 i).

Colonial Acts
differentiating
against
English trade.

As was stated above, the debates in the House of Commons were raised upon the complaints of the mercantile interest of obstacles placed in the way of English trade by the colonists, and the main part of the report of the Board was devoted to a detailed study of the various colonial acts which differentiated between colonial and English merchants. For these details, which list acts dating back as far as the Restoration, reference should be made to the appropriate parts of the report (*pp.* 54-58). Similarly the Board summarised the replies of every colony in turn concerning any trade or manufactures carried on which might compete with imported English products. These summaries afford an admirable bird's-eye view of the economic situation of the outer empire at the period (*pp.* 58-62). There was no serious competition nor the likelihood of any on a large scale, but the Board pointed out that there were radical differences between the continental and island colonies in this respect. "There are more trades carried on and manufactures set up in the Provinces on the continent of America to the northward of Virginia prejudicial to the trade and manufactures of Great Britain, particularly in New England, than in any other of the British colonies. This is not to be wondered at, for their soil, climate and produce being pretty near the same with ours, they have no staple commodities of their own growth to exchange for our manufactures, which puts them under greater necessity, as well as under greater temptation of providing for themselves at home. To which may be added in the Charter Governments the little dependence they have upon their Mother Country and consequently the small restraints they are under in any matters detrimental to their interests" (*p.* 62).

Colonial
trade and
manufactures.

Recommendations of the
Board of
Trade.

The recapitulation of such undeniable facts was almost a commonplace, but the Board could suggest no remedy other than the perennial project "whether it might not be expedient to give these Colonies proper encouragements for turning their industry to such manufactures and products as might be of service to Great Britain and more particularly to the production of all kinds of Naval Stores" (*p.* 62). Thus "we might be furnished in return for our manufactures and much money saved in the balance of our trade with the Northern Crowns, where these materials are chiefly paid for in specie" (*p.* 60). There are few documents in which the ideas of the old colonial systems are set

out upon official authority so clearly and succinctly, and the report was therefore of considerable importance at the time.

Additional
Instructions
and enquiries
sent to
Governors.

In consequence of these debates Additional Instructions were sent to the Governors of all the Colonies, including the Chartered and Proprietary Colonies, forbidding them, on pain of H.M. highest displeasure, to give their assent to any law wherein the natives or inhabitants of the colony were put upon a more advantageous footing than the people of Great Britain. No duties were to be laid upon British shipping or upon the product of manufactures of Great Britain upon any pretence whatever (55, 176 i, 196, 205). The House of Commons welcomed the information contained in the Board's interim report and asked for a further communication to be prepared and laid before them in their next session (256 i). In consequence, the Board despatched a circular letter to all the Governors of the Plantations requiring them to forward the best and most particular accounts they could of any laws made, manufactures set up or trade carried on which might in any way affect the trade and navigation and manufactures of the kingdom, which were in future to be made up and forwarded in the form of annual returns (263).

Replies from
the colonies.

The individual replies from particular colonies upon which the Board had made up the report from which we have made such lengthy quotations can be traced from the Index to this volume, but we may here indicate for convenience certain of the more interesting papers :—Memorial from Captain Thomas Coram (23) ; Council of Virginia (24, *pp.* 14–19) ; Leeward Islands (47) ; Jeremiah Dunbar *re* New England (54) ; South Carolina (437) ; Pennsylvania (449 i) ; Massachusetts (465). Governor Cosby's reply to the circular letter of June 16th (263) contains a paragraph that is worthy of quotation as illustrative of the somewhat drastic remarks to which a Governor might be induced by his exasperation with those whose affairs he had to administer. "The inhabitants here [in New York] are more lazy and unactive than the world generally supposes, and their manufacture extends no further than what is consumed in their own families,—a few coarse linsey woolseys for clothing, and linen for their own wear" (494).

Parliament
and the
recovering of
debts in the
colonies.

Parallel with these comprehensive questions from Parliament concerning the laws, trade and manufactures of the colonies, there was a more specialised enquiry by both Houses in succession,

which concerned the methods of recovering debts in the colonies owing to British merchants, especially in Jamaica and Virginia (136 i). This question had already demanded the attention of the Board (Introduction *C.S.P.* 1731, *p.* xx) in consequence of an Order of 12 August, 1731 (*C.S.P.* 1731, No. 367) upon the petition of certain merchants of the City of London. An elaborate report upon it was sent in January 173 $\frac{1}{2}$ (36, *pp.* 25–27). The interest of the matter is the indication it gives that the Lords as well as the Commons were paying new and special attention to colonial affairs and their reaction on British mercantile prosperity. There are many papers relating to this question of the recovery of colonial debts, but they are too specialised to need more than a passing mention here (e.g. 22, *p.* 15, 55, 68, 77 i, *p.* 57). It may be noted that when the report was finished, it was presented to the House of Commons direct by one of the members of the Board, Sir Orlando Bridgman, M.P., and not sent through the Secretary of State, although it had been prepared in obedience to an Order in Council forwarded by him after an Address from the House to the King (*Journal*, *p.* 277). The same course was followed with various other reports which were presented to the House by Mr. Docminique, M.P., a member of the Board. Reports were usually forwarded to the House of Lords through the Earl of Westmoreland, President of the Board, and it was also he who transmitted the reports called for by the Committee of the Privy Council on Trade and Plantations, of which he was an influential member. It does not appear clear what difference there was between the matters upon which the Secretary of State was the channel of communication between the Houses and the Board of Trade and those on which orders for papers etc. were transmitted direct. It may be suggested, however, that in the first case elaborate reports involving matters of principle were involved and in the second only comparatively simple and explicit matters.

Controversy
between the
Sugar Islands
and the
Northern
Colonies.

In the Introduction to our previous volume the important controversy between the Sugar Islands and the Northern Colonies was referred to at some length. It was there stated that the Board set to work in earnest to examine the voluminous papers relating to the controversy in December 1731 (*C.S.P.* 1731 Introduction, *pp.* xiv–xix). They called before them on December 7th the agents of Barbados, St. Christophers and Antigua and six gentlemen concerned in the sugar trade of those islands, and their

evidence is recorded in the pages of the *Journal* (*Journal*, pp. 253-4). On the 20th the agents for the Northern Colonies and various gentlemen trading to those colonies came before the Board in their turn and presented the answers of Massachusetts, New York etc. to the representations of the Sugar Colonies, but they were not orally examined (*Journal*, p. 259). The Duke of Newcastle had written to the Board on November 24th, 1731, asking for their report, but as he had not received it by February 4th, 1731½, he wrote again somewhat peremptorily to repeat his demand. "As it appears by the late Address from the House of Commons (46 i) that this affair is coming under the consideration of that House, H.M. has commanded me to acquaint you with his pleasure that you do without any further delay make your report in pursuance of what I then wrote to you : it having been H.M. intention that this report should have been ready against this session of Parliament that it might have been laid before the House for their information" (65). This was to demand an impossibility, and the Board said so with a frankness that is a refreshing contrast to the circumlocution that was so common in the official papers of the early eighteenth century, and, it may be added, at other more recent periods. To illustrate the thoroughness with which the Board did its work and to do something to refute the allegations of slackness and ineptitude which are sometimes levelled against its members, it seems worth while to quote some sentences from their reply. "In order to make a perfect report upon the several particulars [the Board] immediately sent for all the parties or their Agents. Those concerned for the Northern Colonies desired copies of what had been represented in behalf of the Sugar Islands in order to make their answers, and it was some time before we received their answers thereto. The Agents for the Sugar Islands likewise desired copies of these answers, that they might be able to make their reply, which could not in reason be denied. Some time passed before they delivered in their reply, and within two days after that, we received H.M. Orders upon the Address of the House of Commons to lay copies of all such papers as had come to our hands upon this subject before the House."¹

¹ The Resolution of the House was passed on Jan. 28th, 1731½ (46 i) and forwarded by the Duke to the Board on the 29th (46). It was read by them on Feb. 3rd (*Journal*, p. 274) and the papers listed and copied by the 4th (*Journal*, p. 275 ; 66). It was certainly impossible to have worked more expeditiously.

“We really did not apprehend till we received your Grace’s second letter [i.e. No. 65 of Feb. 4th] that it was H.M. pleasure we should proceed to make this report upon a matter of so much nicety and importance, which in all probability will have received its determination in Parliament long before it can be possible for us to make a report upon it, [even] though all other business were laid aside and all imaginable diligence applied to this subject only.” This protest was certainly justified, for at the same moment the Board were engaged upon the elaborate report on the laws, manufactures and trade of the colonies which had been called for by the House of Commons and was mentioned above (*Journal*, pp. 274, 275 *etc.*) and the report on colonial debts which had been called for by both Lords and Commons (*Journal*, p. 277). The amount even of clerical work involved in the preparation of these documents must have been overwhelming.

Protest of the
Board of
Trade against
complaints of
delay.

In forwarding copies of the papers they had received, the Board pointedly remarked. “The papers that have been delivered to us by the parties concerned consist of many allegations, but of allegations only and not of proofs, which has brought this matter hitherto no farther than to an issue upon the facts in dispute between the opposite parties. [It may easily be conceived] what time it will naturally require to apply proofs to these allegations and how imperfect our report would be, how little able to answer the many enquiries directed by your Grace’s first letter till those proofs shall have been applied and thoroughly considered ” (80, pp. 44–5). “We must beg you would do us the justice to believe that we are incapable of delays or neglect of our duty, and particularly that we have not lost any time in enquiring into the matters mentioned in your Grace’s last letter ” (80, p. 46).

Debates in the
House of
Commons
on the
controversy.

With this protest the matter passed out of the hands of the Board of Trade and into the Commons. To that House many petitions had been presented by the Agents of the various colonies on the bill “for securing and encouraging the Trade of H.M. Sugar Colonies in America ” then before them. The petitioners were heard by their counsel on February 3, 9, 10, 11, 15 and 23 when the bill had its second reading (*Commons Journals* xxi, 788–847 under dates given). The debate on the proposal was led by Col. Bladen for and Mr. Oglethorpe against (*Parl. Hist.* viii, 993–1002), and the speeches deserve close attention as interpretative of the papers here calendared. The bill was committed to the whole House and after report it received its third reading on

March 15th by 110 to 37. The tellers for the bill, who may be taken as representing the sugar interest, were Messrs. Bladen and Hedges and against, Messrs. Barnard and Oglethorpe (*C.J.* xxi. 819). For our present purpose the interest of the matter lies in the confirmation it affords of the statement in our previous Introduction that Parliament was now taking a much greater interest in colonial affairs than ever before and was becoming highly critical of the actions of the administration, so that henceforward demands for papers became much more frequent and the work of the Board of Trade was consequently increased.

Dislike of
Parliamentary
interference
in the
colonies.

It was remarked in our previous Introduction (*C.S.P.* 1731, p. xix) that Parliamentary interference in their affairs was much disliked by the colonies who believed that whatever competition was threatened the powers of the House of Commons were certain to be wielded in favour of English interests. This dislike, which played so important a part in the constitutional struggle later in the century, is well brought out in a memorial from the Council of Virginia to the Board of Trade against the proposed Act of Parliament restricting colonial manufactures, in which their preference for royal rather than parliamentary control appears clearly. "There is already a very positive and full Instruction from the King to all the Governors of his Plantations to suffer no law [affecting the trade and navigation of Great Britain] to take effect till it shall be assented to by his Majesty. 'Tis therefore very strange that the merchants, who have the happiness to be much nearer the throne than the planters are, and are commonly sent for when any such law appears, should so far distrust H.M. paternal care in this particular as to petition for an act of Parliament to relieve them. It seems to be more for H.M. service and for the interest of Great Britain to prohibit the passing all such laws by a royal Instruction than by an act of Parliament, because the King by the advice of his Council will from time to time be perfectly able to judge of the expediency of any such particular law; while it will be hardly possible to form an act of Parliament that will distinguish every case" (24, p. 14).

"We presume the petitioners don't intend to exclude the King from judging how far the laws made in the Plantations shall be conformable to such act of Parliament (for 'tis certain there must be some judicature to determine the controversy), and if so, what greater effect could such an act of Parliament have than H.M. Instruction hath already? As the laws heretofore made in

[Virginia], which in any degree affect the trade and navigation of Great Britain, have always allowed a reasonable time before their commencement for the merchants to make their objections and for H.M. consideration of the justness and usefulness of them, we hope the interest of our Mother Country is so fully secured thereby that there is no need of such an act, but that we shall be still indulged the same privilege in the making laws for ourselves as [Virginia] hath enjoyed from its first establishment " (24, *p.* 15). " As it is our unhappiness to have no Representative in the British Parliament, we beseech you to take us under your protection, and to lay our case in so favourable a manner before His Majesty that the loyal inhabitants of this British Colony may still continue to enjoy those privileges which have been granted them by the Crown from the time of their first settlement . . . and protected in their estates equally with the rest of H.M. subjects " (24, *p.* 19).

The essentials of the constitutional disputes that came to a head thirty years later are here unmistakably at issue, and it is interesting to note that among signatures attached to the memorial is that of William Randolph, and that it was presented to the Board by Captain Isham Randolph, of the family who took so prominent a part in the next generation.

Relations of
the Board of
Trade and the
Committee of
the Privy
Council for
Trade and
Plantation
Affairs.

Certain papers here calendared cast some light on the central machinery of government and the relations of the two offices that were closely associated with the administration of colonial affairs, those of (1) the Committee of the Privy Council for Trade and Plantation Affairs and (2) of " His Majesty's Commissioners for promoting the Trade of this Kingdom and for inspecting and improving his Plantations in America and elsewhere "—to give the Board of Trade its full and cumbrous title (*Journal*, *p.* 262). The work of the Plantation Committee was done in the Council Office and by its subordinate staff of clerks generally working under the direction of William Sharpe, though the orders were signed by Temple Stanyan, Clerk of the Council. The Lord President appears to have had some supervision over the management of business. The exact allocation of function between the two offices does not seem to have been settled, for there is a letter (68) from the Council Office declining the burden of preparing copies of the papers required by the House of Commons and passing it on to the Plantation Office. Again it was doubtful where the initiative in the nomination of colonial councillors lay, whether

with the Committee or the Board (69). The general impression left by the many letters passing between them is that of a growing control, even in details, by the Committee with whom the final decision rested. The relations between the two bodies and their work is well illustrated, for example, in the Report of the Committee to the King concerning the salary of Lord Howe as Governor of Barbados (480). The Board was never left in doubt as to its subordinate position in the official hierarchy and on occasions the Lords of the Committee of Council drew pointed attention to this. At the beginning of August 1732 the Commissioners considered a complaint against Governor Hunter of Jamaica for giving an assent to an Act of Assembly contrary to his Instructions which had been sent to them by the Secretary of State at the end of May (245). They prepared a report upon it and forwarded it to the Duke of Newcastle in the form of a representation to be laid before the Queen, who was then administering the government (335). In reply to an order of the Committee of Council (254) requiring from them a report upon the same matter which had been sent in June, they forwarded a copy of this representation, but the Lord President of the Council at once returned the report and stated that he did not apprehend it to be a proper answer to the Order of the Lords. The Board was not then sitting, but Martin Bladen and another member as private gentlemen hastened to apologise and stated that "the Board were led into this method of proceeding by a late precedent in their books where the Lords of the Committee accepted of a like report and proceeded upon it," it being the copy of a representation to the King which was enclosed in lieu of a particular report. If this method of proceeding should be thought improper, Bladen assured the Lord President that his brethren would readily submit to his Lordship's better judgment and make a particular report to the Lords of the Committee (354, *p.* 196). The secondary position of the Board was unmistakable, and this point is also brought out in some of their letters to Governors when they have to state that they do not know what is the determination of the King (i.e. the ministry) (e.g. 373).

Fees of the
new Clerk of
Reports of
the Board of
Trade.

In the year 1730 in consequence of a complaint of the burden of work falling upon their staff the Board had secured the appointment of a new official, the solicitor or clerk of reports (*Journal*, *p.* 139). He gave no assistance to the clerks in copying and refused to share equally with them in the division of fees. He

claimed equality with the Deputy Secretary, to the indignation of the clerks, some of whom had served for twenty years and strongly objected to an outsider being put over their heads (140). The decision of the Board is not shown among these papers but is to be found in the *Journal*. The Secretary was to have two-fifths of the fees, the Deputy Secretary two-fifths of the Secretary's share (i.e. $\frac{1}{5}$ of the whole), the clerk of the reports one-quarter of the Secretary's share (i.e. $\frac{1}{5}$ of the whole) and the clerks to have the remainder equally divided between them (*Journal*, p. 288).

Newcastle and
the exercise of
colonial
patronage.

The exercise of ministerial patronage in the disposal of places in the colonies was always particularly distasteful to the Governors, and there is a letter from one client to the Duke of Newcastle which is illustrative of the tale-bearing that ensued when the sycophants did not receive satisfaction. William Frewin, a lawyer, on the motion of Brigadier Churchill was recommended by Newcastle to Governor Johnson of South Carolina. He had secured this favour by his protestations that he had from his childhood "espoused the interest of His Majesty,"—a euphemism for the Hanoverian cause,—and had supported the administration, praying that "his Majesty and his royal race may reign over us till time shall be no more and they may never want a Duke of Newcastle to be near their persons." When the Governor received the recommendation, however, he told Frewin that there were a number of his profession in South Carolina already and that the people at home had taken care to let him have very little trouble in the disposal of places. He was clearly out of humour with the stream of place hunters forced upon him and took no further notice of Newcastle's client. In revenge Frewin wrote to the Secretary of State to inform against Governor Johnson that he was determined to ingross and resolve all offices as they fell in into his own family and to execute some of them by his own deputies so that he might keep their proceeds for himself (390). Back-stairs tale-bearing such as this must have been a constant cause of difficulty and uncertainty to those who had to carry on the service.

Rum trade
with the
Indians.

Among the many topics of incidental interest to be found among the letters attention may be drawn to two. In the House of Commons remark had been made as to the evils produced by the sale of rum to the Indians in the colonies, and the Board of Trade received order to supply a list of the various acts passed to

deal with this matter (75). Accordingly a list was prepared and forwarded to the House showing that Massachusetts had been the first to pass an act prohibiting the sale of rum to Indians in 1693 and this was confirmed in 1725, 1729 and 1731. Virginia passed a similar act in 1705. Private traders were not allowed to deal in rum and the permitted trade was confined to certain truck masters. New York in 1728 forbade the sale of rum without licence, but it did not prohibit the trade and in fact raised some revenue from a duty of 6*d.* per gallon upon the rum sold (86). Oglethorpe was at this period an active member of the House of Commons and taking a large part in all colonial questions discussed there. It may have been due to his sympathetic interest that this enquiry was raised in an assembly that was not notably distinguished for its philanthropic feelings.

Coffee culture
in the West
Indies.

The second point that may be mentioned is the desire to encourage the cultivation of coffee in the West Indies. This arose upon a petition from the planters of Jamaica and merchants trading to that island, which was referred by the Privy Council to the Board of Trade. By experiments made in Jamaica and others of the Sugar Islands it appeared that both their soil and climate were very apt and fit for raising coffee in quantities sufficient not only for our home use, but also for supplying the European markets, so avoiding the sending out annually great sums of money from the kingdom for payment for foreign supplies. It was suggested that the granting of bounties on the importation of colonial-grown coffee, like the bounties on hemp and flax given to the Northern Colonies, would greatly encourage the investment of capital in coffee plantations. The planting would be chiefly carried on by the middling sort of people, unable to bear the great expense necessary for erecting and carrying on a sugar plantation or raising indigo, cotton or ginger. The petitioners maintained that coffee might easily be planted at a very easy and small expense, two negroes being sufficient to make a beginning, and upon such vacant ground as was unsuitable for other crops. There had been considerable progress in coffee-growing by the Dutch in Surinam and the French in their sugar colonies (29 i). The Board of Trade consulted various Jamaican planters then in London and returned a favourable report upon the petition (44, *Journal*, pp. 270-2), but no further immediate action ensued.

Convict
transportation.

The grievances felt in certain colonies concerning increased convict transportation, which were mentioned in the Introduction

to our preceding volume (*C.S.P.* 1731, *p.* xxvi), received two illustrations during 1732. The Assembly of New Jersey had passed in 1730 an Act imposing a duty on persons convicted of heinous crimes, but the Board of Trade reported that the Act seemed "to be intended to prevent the importation of convicts from Great Britain in pursuance of the several Acts of Parliament made for that purpose." They therefore recommended the disallowance of the New Jersey Act (134). In Virginia there had been so great an increase in criminal prosecutions in consequence of the influx of transported felons "whose morals[were] unchanged by change of air" that the Attorney-General applied for an increase of salary, and his application was supported by the Governor (*p.* 178).

§ II.

THE AMERICAN COLONIES.

Newfoundland. While it is appropriate to consider under this heading the affairs of the troublous dependency of Newfoundland because they were so closely interconnected with those of the northern colonies which were also interested in the fisheries, it must be pointed out that Newfoundland was never regarded as a colony in the strict sense. Commodore Clinton, the naval Governor during the fishing season of 1731, represented emphatically that it would be impossible to prevent the many abuses connected with the Newfoundland fishery until the Governor had "full authority to put the laws in execution as in other H.M. Plantations," which was impracticable owing to the Fishing Act passed in the 10th and 11th years of William III. He showed how radically circumstances had changed since the Act was passed. "The ships chiefly then employed in the trade were purely for the taking and curing of fish, which ships brought over with them great numbers of men to be employed in the fishery and their necessary provisions and craft for making their voyages. After the fishing season was over, [they] returned to England with their fishermen and servants, excepting those that carried their fish to markets. Those ships on their arrival in Newfoundland did (pursuant to the Act of Parliament) make up so much of the ship's room as was necessary for the number of shallops each ship employed, and accordingly built their stages and flakes, and after the season was over left

Changes since
the Fishing
Act of
William III.

all standing for the benefit of the fishing ships that came the year following, which was of very great advantage for the ships on their arrival to find stages and flakes without the charge and trouble of building. But for many years that custom is left. Few ships come purely on account of catching and curing of fish except from Bideford and Barnstaple " (148. *pp.* 95-6, see also *Journal*, *pp.* 284, 286, 289).

Organisation
of the fishery
in 1732.

Despite this fact, neither of those North Devon ports took the lead in defending the ancient system: that place fell to Poole, Dartmouth and Bristol who presented petitions to the Crown protesting against the appointment of justices of the peace whose office had been set up to preserve some continuity of order in Newfoundland (49, 74, 144). They maintained that the justices were illegally appointed, since by the Fishing Act supreme authority lay in the "fishing admirals." As a matter of fact, this traditional method of managing the fishery had quite broken down and the "admirals" used their authority to serve their own interests, as Clinton pointed out in his description of the new system that had been evolved in the fishery in the forty years since the passing of the Act. The old system seems to have been really out of date even when the earlier traditional practices were codified by King William. The Commodore told how the ships from "Dartmouth, Teignmouth, Topsham, Bristol etc. instead of coming directly on the fishery, leave Britain with just a sailing crew (ships that bring the passengers excepted), and many of them proceed for Ireland and load with provisions, soap, candles, linen and woollen goods and great numbers of Irish Roman Catholics. Their cargoes they as admirals soon dispose of and take care to exercise their authority in receiving all their debts [that had been left over] from the previous fishing season and often more. The greater number of men now [in Newfoundland] are Irish Romans and those the scum of that kingdom who on the arrival of the trading fishing ships are employed by their commanders as fishermen on the Banks of Newfoundland to make up the numbers which of right they ought to bring from Britain. By this means the intention of making the fishery of Newfoundland a nursery for seamen is totally frustrated, for [of] those Irishmen few or none ever become seamen" (*p.* 96). Thus the main purpose of giving peculiar privileges to the fishing merchants of the western ports and preventing the erection of a proper colonial government in Newfoundland was brought to naught.

Abuses of
the "fishing
admirals."

Again great scandals arose from the arbitrary and violent proceedings of the "admirals" and the fishing merchants upon pretence of exercising their lawful authority. They entered in a violent manner on the people's flakes and stages and under pretence of debt seized by force what quantities of fish and other goods they pleased without having any authority for so doing and contrary to the orders that had repeatedly been given by the commanding naval officers on the station. By these illegal practices masters were disabled from paying their servants' wages and the poor servants were reduced to beggary (148 i). The Board of Trade considered Clinton's report and the petitions of the western ports simultaneously, and called him and Lord Vere Beauclerk, who had served as Commodore before Clinton, to give personal evidence (*Journal*, pp. 284, 286). They reported that in their opinion the justices of the peace had not interfered with the "fishing admirals" in matters properly belonging to them, but the latter had been negligent in not holding proper Courts for regulating the fishery except in cases where their own interest was concerned (162). But the tone of the report was much gentler than Clinton's frank and uncompromising censures upon the "admirals" and the fishing merchants. Clearly the western ports were so strong in their influence upon the House of Commons, where they commanded many votes, that they could not be antagonised at a moment when that House was showing itself so critical regarding the management of colonial affairs. The resident community in Newfoundland was still there only on sufferance, and it had no voice to raise on its own behalf in answer to the powerful fishing interests.

Answers to
the Heads of
Enquiry.

For the fishing season of 1732 Captain Edward Falkingham of H.M.S. *Salisbury* was sent out as Governor (181, 186, 206, 216, 217), and in October he sent home from St. John's elaborate answers to the usual Heads of Enquiry which he had taken out with him. His report emphatically corroborated Clinton's evidence. Since the appointment of civil magistrates their several districts were under good regulation, but the several "admirals" had very little regard to anything but their private interest, and none of them sent any reports of their proceedings to the Privy Council, as they were required to do by the Fishing Act. The disputes that happened were seldom decided by them but were left until the arrival of H.M. ships. In Captain

Falkingham's opinion, the "admirals" simply used their authority to collect their debts and serve their own turn.

Connections
between
Newfoundland
and New
England
and Ireland.

He went on to show what a close connection had sprung up between Newfoundland and New England and Ireland. The New Englanders kept by-boats manned by the local inhabitants and sold the fish they caught to the British sack-ships, the fishermen being paid by goods brought in from the American Plantations. When there were insufficient sack ships to purchase the whole of the catch, ships were laded to carry it direct to the Azores or the British Plantations, but much of it was refuse fish which lowered the reputation of the British fishery. What provisions and cattle did not come from New England was imported direct from Ireland, whence there were coming large numbers of ignorant Irish servants who knew nothing but the tending of cattle and seldom or never became seamen. There was a most serious evil in the great import of rum from the American Plantations, and it was certain that by the masters furnishing their servants with strong liquors at exorbitant prices, great disturbances were caused and the poor servants could never get out of their masters' debt. They were bound to remain in the country, and those who went from England could not get back home, though by law the fishing merchants were bound to return them. In consequence the New Englanders found it easy to entice away great numbers of seamen and fishermen, leaving behind the refuse of destitute and feckless Irishmen in Newfoundland (404 i, pp. 223-5).

Decline of
French
interference in
Newfoundland.

Falkingham's report and the many papers he forwarded as annexures afford most valuable evidence about the condition of the most distressed of the British dependencies, and they show how the whole of the settlements on the northern coast of America were linked in a single economic nexus. It is interesting to note that Falkingham reported the freedom of Newfoundland at the time from French interference. He could not find that they did anything contrary to the treaty of Utrecht; they did not come to Petit North or any other parts to the northward of Cape Bona Vista. There were no longer any French inhabitants at Placentia or St. Pierre, so that Newfoundland no longer had to cope with those French encroachments which gave so much anxiety to the Governors of Nova Scotia.

Falkingham could find no evidence that the Newfoundland harbours were being used for illicit traffic contrary to the Acts of

Trade, which was such a serious complaint at a later period (*p.* 227).

Illicit French
trade at
Canso.

At Canso, on the other hand, according to a petition from the merchants trade there a great illicit trade was carried on by the French. They came from Gaspé and Cape Breton to sell great quantities of Martinique rum, molasses and sundry commodities from Old France like brandy, wine and linen to the fishermen who came to Canso from other places. They bartered these goods for fish caught by the English and by their contraband commodities undersold the British ships whose commodities were lawful. The French, too, were enabled to purchase the greatest quantities of fish and supply the markets in the Mediterranean and more especially in Italy, which were yearly overstocked to the detriment of fish carried there in British bottoms (70). There is no mention of this contraband trade in Captain Fitch's answer to the heads of enquiry and it may be that the petitioners were exaggerating the evil under a sense of grievance, but there was no doubt that the fisheries afforded opportunities for leakage through the regulations of the Acts of Trade, and at a later date there is ample confirmation of the abuses mentioned in the petition.

The Canso
fishery.

The increase in the French fisheries has already been mentioned earlier in this Introduction. To watch them and guard the struggling British enterprise at Canso a special navy ship was sent out and Captain Fitch of H.M.S. *Sheerness* was charged with the duty for the season of 1732 (166). Special heads of enquiry, similar to those given annually to the naval commanders sent to Newfoundland, were supplied to Fitch at his departure from England in the spring. From the replies furnished by him at his return we can get a comprehensive view of the ill-success of the Canso settlement. The fishery was partly carried on by men from Exeter and the West of England, but mostly by the people of New England and Nova Scotia. The waters fished by the Canso boats lay so close to the French settlements in Cape Breton Island that they had constantly to encounter French competition both from those who came out on the annual voyages from St. Malo and other ports and from fishermen who were settled in the island. In 1732 there were thirty French boats in Canso waters and they had far more success than our fishermen. They pretended that they were allowed to fish near the English islands

along the Nova Scotian coast by leave from the French Governor, but Fitch contended that this was clearly contrary to the provisions of the Treaty of Utrecht and drove them off. There had been much complaint of the poor quality of Canso fish and this was thought to be the cause of the comparative failure of the settlement on which so much trouble had been bestowed. Fitch enquired into the matter and his account of what he found casts a good deal of light upon the economy of the fishery (*p.* 282). In another letter he gave statistics of the fishery which appear more likely to be accurate than some of the round figures of certain of his predecessors which look like mere guesses (439 ii). The old type of fishing voyage was clearly out-of-date, as Clinton said in Newfoundland, for only one British ship with six men came out : on the other hand there were 12 sack ships of much larger burthen who got their return cargoes by purchase from the local fishermen, 8 American ships and 80 schooners and sloops in which worked twice or thrice as many men as in all the rest of the fishing fleet put together (439 ii). Though it is not exactly specified, there is no doubt that the majority of the sloops and schooners came from New England, and, since the ship masters were always trying to entice away seamen and fishermen from British vessels, they were particularly unpopular (*p.* 282).

The whale fishery.

Besides the cod fishery at Canso the hunting of whales was being carried on by sloops from New England and there were great hopes that the industry would grow. This is a matter of some interest, because it was in the Canso whale fishery that the New Englanders from Gloucester, Bedford, Nantucket and other ports along that coast learned the experience of the trade that made the American whaler one of the most ubiquitous of mariners in the latter part of the eighteenth century, ready to sail into the remotest seas in search of his quarry almost from pole to pole. The work was carried on from sloops, and so profitable was the trade in 1732 that many of the sloops had not enough casks aboard to contain all the oil yielded by their catches, but had to return to New England ports with the unflayed carcasses aboard, an unpleasant enough voyage on the short passage between Canso and Boston, but one that would have been utterly impossible if the ships had been British (439).

Petition of Poole concerning the whale fishery.

The merchants of Poole were not content that the new whale fishery should be monopolised by the New Englanders, and with a view to furthering their own prospects in the trade they petitioned

the Crown to apply the privileges secured by those engaged in the Greenland whale fishery under the act of 1731 to the produce of whales killed in Newfoundland and Nova Scotian waters. The petition (400) was sent on to Mr. Fane for his legal opinion as to the extension of the privileges (424, *Journal*, pp. 321, 323), and his opinion was passed to the petitioners from Poole (438), but it does not appear among the papers. Only by deduction can we judge that it was favourable.

The liquor
trade at
Canso.

Just as we have spoken of the evils and disorder caused in Newfoundland by the payment of the wages of the servants and fishermen in liquor, so we may note that Canso was kept in a continual turmoil by the liquor trade carried on by the soldiers of its small garrison. The magistrates of the settlement bitterly complained to Captain Fitch that they were obstructed in the exercise of their proper authority by the ill-conduct of tavern keepers under military protection. There were four taverns kept by permanent inhabitants, but "great numbers," (according to Fitch, ten) "are licensed to sell liquor by the officer commanding there, and most of them soldiers, by which means the fishermen are drawn off from their duty. This might be remedied by the power of granting licences being left to the Justices," (496 i) that is to say, in accordance with the practice in England. It is interesting to note how the notorious activities of the soldiers of the New South Wales Corps as liquor sellers at the end of the century were anticipated by the garrison at Canso nearly sixty years before. Similar circumstances produced the same results.

Misbehaviour
of the
garrison.

Besides the evils flowing from their liquor-selling the soldiers of the garrison were also accused by the New England fishing merchants of destroying the houses, warehouses, stages and flakes built by their fishermen employees. "The first English settler of the said Canso" was John Henshaw of Boston in Massachusetts, and he had particularly suffered from these depredations because when his men had returned to New England for the winter, the soldiers had torn down his sheds. It may be suggested that they did this to obtain fuel from the timbers of which they were built and so avoid the labour of cutting logs in the woods. The merchants prayed Governor Phillips of Nova Scotia to get discipline among the four companies who composed the garrison (p. 254), so "that such practices be not continued or the settlement will be broken up and then improved by the French, who watch all opportunities from our neglect" (496 ii). Though it might

appear from the foregoing mention that Henshaw was not resident in Canso during the winter, this can hardly have been the case, for his name appears first in the commission of Justices of the Peace "in the town and liberties of Canso," which implies that he was a permanent resident (496 iii). The new industry of coal-mining which had been started near Canso has already been mentioned incidentally above, but it may be added that its exact site was at Williamstown by Chickenectua and that the workings were open diggings (*p.* 154 also *p.* 28).

Nova Scotia. There is a long and interesting account from Governor Phillips of the state of affairs in Nova Scotia which contains many points of importance for which reference should be made to our abstract. Read as a whole, it gives a better idea of the province than any extracts could convey. Attention may be drawn, however, to the reputed boundaries of the province which had given rise to disputes with France ever since it was ceded under the treaty of Utrecht. "The reputed boundaries are from Kennebeck River to Cape Rozlers [i.e. Roziers, now Cap des Rosiers near Gaspé], north and south, and from the Islands of Canso to the south side of the River St. Lawrence, east and west, but having never been settled, the French disputed the islands of Canso and other places on the one side of the Province and the people of New England a tract of country now called 'Georgia' on the other side" (37 i).

Influence
of French
priests in
Nova Scotia.

The influence of the French priests over the inhabitants of Nova Scotia is brought out very clearly in a long letter from Lieutenant Governor Armstrong from Annapolis and the annexed documents in support of his statements. "Without some statutes," he wrote, "this Province can never be rightly settled, especially seeing the French here upon every frivolous dispute plead the laws of Paris, and from that pretended authority condemn all the orders of this Government, and follow the dictates of their priests and the Bishop of Quebec (or those of Cape Breton) who orders not only the building of churches here, but sends whom and what number of priests he may think proper, and in all other affairs takes the same liberty" (259, *p.* 147).

Land titles
and the
seigneurs.

The complexities of the legal position concerning land titles in Nova Scotia were almost insoluble, and we get illustration of this in Armstrong's account of the disputes relating to the La Tour lands (*pp.* 147-8). The claims of the seigneurs were so extensive

Project of
Col. Hart.

that it was difficult to find land to which they did not lay claim. Colonel John Hart, who had retired from the Governorship of the Leeward Islands and was desirous of founding a settlement in Nova Scotia, summed up the state of the Province fairly when he wrote in his petition. "Such a settlement would be of great consequence to H.M. Dominions in those parts, there being at present very few or no inhabitants in the whole Province of Nova Scotia besides the garrison of Annapolis and about three thousand French who have remained there ever since the Treaty of Utrecht and who in case of a rupture with France could not be depended on . . . It is not to be expected that lands so exposed and situate in so cold a climate as Nova Scotia can ever be settled without some encouragements whilst lands are still to be had in all the other more Southern Provinces on the continent of America at moderate quit-rents and attended with all the advantages and security resulting from a well-peopled and well-settled government" (323 i). Hart clearly realised the difficulty of what he was proposing to undertake, for he knew the confirmed reluctance of Englishmen of any but the most distressed sort to emigrate. He purposed peopling the lands to be granted to him with one hundred Protestants and their families, probably from Germany or Switzerland, though this is not clearly stated in the petition.

Pury's Swiss
colonists in
South
Carolina.

The most advanced of such projects was that of Jean Pierre Pury of Neuchatel which has been mentioned in the Introductions to preceding volumes and had been on foot for some years. Pury at last arrived in South Carolina in the autumn of 1732 with 120 Swiss emigrants, 50 of whom were men and the rest women and children. According to Governor Johnson, they liked the country very well and were very cheerful. The Governor was careful to do what he could to make them welcome, so that the accounts they would send home to their friends in Europe would induce others to follow their example and cross the Atlantic (487.) In a private letter of a few days later the Governor made the total of Pury's emigrants who had arrived a little less, but said that they had all gone up from the coast to Puryborough well satisfied (504). The earlier history of Pury's scheme is outlined in a report prepared by the Board of Trade for the Committee of the Privy Council on Plantation Affairs concerning a petition for additional land presented by his agent to the Lord President of the Council (127). The petition and the report upon it (239) enable us to follow in detail how one of these emigration schemes

was financed and worked out, and we can see that though the emigrants might be Swiss, the capital behind the enterprise was British. There are accessory papers granting the additional acreage sought (*see* 255, 290, 319).

Emigrants
from German
Switzerland.

Pury's colonists came to Carolina from the French-speaking cantons, but there were also emigrants from German Switzerland attracted by a little book printed in Berne advertising "that the King of England wants mann that are brought up to country buisines and know to improve land and macke butter and cheese in the Royall Province of Carolina wich is a land flowing with milch and honey," as we learn from their naïvely worded petition to Lord Harrington (514). In the same petition mention is made of Salzburgers who had been well treated on their voyage of emigration to America, and in our previous Introduction the ambitious project of Johann Ochs and Jacob Stuber was spoken of. (*v. C.S.P.* 1731, pp. xxxvii—xxxviii.) Their colony of Swiss was to be beyond the western mountains of Virginia and the proposal for a "Georgia" in the west did not advance much during 1731 because of the claims objected by Lords Fairfax and Baltimore (372, 376). The matter came to a head in 1733 and several papers relating to it will be dealt with in the succeeding volume of the *Calendar*.

Land jobbing
in South
Carolina.

Both the Carolinas were anxious to attract immigrants to settle their vast areas of unoccupied lands, but there were different reasons why the flow of new settlers was not so fast as some people in each colony wished. In South Carolina these were the land jobbers who had been active ever since the days of the Lords Proprietors. The general management of public business seems to have been carried on well in the experienced hands of Governor Johnson, but there were incessant difficulties over the question of land grants and the methods of survey and of recording title. The despatches of the Governor are filled with the details of these disputes, but they do not lend themselves to summarisation, as they are very technical. (*See especially* 283, 369, 394, 431, 446, 490.) In the interior, South Carolina, as was remarked in the first part of this Introduction, was troubled with unrest among the Indian tribes, but the greatest blow to the prosperity of the colony during 1732 was the pestilence that swept over Charleston during the summer. It was a violent malignant fever which few escaped, and it was supposed that a ship brought it from the Leeward Islands. During July and August it carried off 130

whites, among whom were Governor Johnson's son and three of his servants. Very many of the slaves perished and hardly anyone who came into Charleston from the country escaped (394). It was impossible to summon the Assembly at the usual time, but by November the epidemic had run its course and things had resumed their normal course (487).

North
Carolina.

In North Carolina there were similar difficulties over land grants (e.g. 91, 94, *especially* p. 97), but a large share of the responsibility for the constant disorder that reigned in the affairs of that colony seems to have been due to Governor Burrington himself. His letters are filled with railing against his predecessors and all who opposed his proceedings. One quotation can suffice to show their general tone. Mr. Ashe, one of the Councillors, differed from the Governor over the question of land grants and Hamett, another Councillor, supported him, which provoked Burrington to write to the Board of Trade. "Ashe is an ungrateful villain. Cornelius Hamett is a disgrace to the Council. Bred in Dublin and settled at Cape Fear, he was set to be worth £1000, but is now known to have traded with other men's goods and reduced to keep a public house. It is a misfortune to this Province and to the Governor in particular that there are not a sufficient number of gentlemen in it fit to be Councillors, Justices nor officers in the Militia. There is no difference to be perceived between the Justices, Constables and planters that come to a Court, nor between the officers and private men at a muster, which parity is in no other country but this. Sir Richard Everard [the late Governor] had the meanest capacity and worst principles of any gentleman I ever knew. His administration was equally unjust and simple; he was under the direction sometimes of one set, then of others, who advised him for their own interest, and being incapable of judging was led to do anything they put him upon, which brought infinite confusion on the country [and] every man did as he pleased" (94, pp. 66-7). Burrington had already written in like unmeasured terms in the previous year (see July 1st and September 4th, 1731, *C.S.P.* 1731), and the Board of Trade had had nearly enough of him (*see* 159 ii).¹

Reproof of
the Board of
Trade to
Governor
Burrington.

Before his new letter had been received (August 17th), they had already written (June 20th, 1732) "As to those paragraphs [of

¹ The letter from the Board of Trade proposing Gabriel Johnstone for Governor of North Carolina is really dated 5 April 1733 and has been included here among the papers of 1732 by mistake. See original and *Journal*, p. 338.

your letters] which relate to yourself and those who have disagreed with your measures, we cannot but take notice that they are couched in a very extraordinary style, particularly that where speaking of Mr. Ashe's declining to come to England with the Chief Justice, [i.e. William Smith] you write in the following words 'by which failure of his Baby Smith will be quite lost, having nothing but a few lies to support his cause, unless he can obtain an instruction from a gentleman in Hanover Square.' Of these words we expect an immediate and distinct explanation" (269). In August they wrote in detail about Burrington's proceedings (355), and they were carefully considering the papers presented against him by his opponents (356, 377, 461 etc.).

When in November the Governor replied to the severe reproof of the Board, he made matters worse. He protested that he could not understand their remark that his references to Chief Justice Smith were "couched in a very extraordinary style, couching not being customary" to him. Smith, he said, was a very idle, drunken fellow who was the son of a smuggler and bankrupt yet was horribly given to fibbing and boasting of his family and interest. Ashe was the natural son of a Wiltshire gentleman and, although he [Burrington] had raised him from a poor clerk to be Speaker of the Assembly, he assisted in composing a set of horrid crimes calculated to make him odious and delivered in a petition to H.M. by Smith (450). To the Duke of Newcastle he wrote less heatedly, but he could not deny that the Government of the colony was in turmoil and his opponents very numerous. He begged for the Duke's support against them and wound up with a reminder of what his family had done in the Revolution, which always seemed at this period to be the last plea of a despairing petitioner (459). There are many other papers relating to the scandal which can be traced by reference in the Index to the names of the persons concerned.

Georgia.

The most significant happening during the year in the southern continental colonies was, of course, the founding of Oglethorpe's new settlement in the southern part of South Carolina, the real Georgia. The negotiations between the Board of Trade and the promoters, led by Oglethorpe but usually working under Lord Perceval's name, had been going on ever since 1730, but they have left more traces in the Journal than among the papers calendared (*see e.g. Journal, pp. 165, 167, 169 etc.*). The first papers here included are a copy of the Charter of Incorporation

of the Trustees for establishing the Colony of Georgia which comes from the entry book of the Board of Trade (258) and an Order of the Committee of the Privy Council for an Instruction to the Governor of South Carolina in favour of the Georgia settlers (322, 398).

Papers of
the Trustees
for Georgia.

The Duke of Newcastle sent out circular letters to all the Governors of the continental colonies south of New York and to Barbados enlisting their assistance for Oglethorpe's settlers (444), and there are a few mentions of them in the despatches from South Carolina late in the year, but that is all from the papers of the Secretary of State and the Board of Trade. It is exactly what might be expected, for the venture was independent of the Crown when once the Trustees had received their charter, and they were responsible for their own business. However, among our abstracts from No. 401 onwards down to the end of the year there will be found several Georgia papers, grants and letters from the secretary of the Trustees etc. It will be noted that all these come from two volumes C.O. 5/666 and 5/670, which belong neither to the Secretary of State nor the Board. They are part of a series which came into the possession of the Crown long after 1732 when the Trustees resigned their charter and Georgia became a royal colony, June 24th, 1752 (*Journal*, 1749-53, pp. 400 etc.). Since their provenance is so different, it seems improper to divide up the items contained within the Trustees' volumes and sort them in with documents from the two sources that we are mainly dealing with. It has therefore been decided to deal with the papers of the Georgia Trustees separately in volumes of the Calendar which will cover the whole period of their existence, 1732-1752. This decision was reached after the sheets of the present volume were printed off, and certain items will be reprinted (e.g. 401, 413, 416, 422, 427, 428, 432, 433, 434, 440, 441, 442, 443, 445, 470, 478, 502, 503).

Virginia.

The main subjects of Lieutenant-Governor Gooch's excellent despatches from Virginia are his replies to the questions of the House of Commons concerning colonial laws and manufactures and the controversy with the Sugar Islands. There are also valuable comments concerning the projects for settling the western lands, but all these points have been referred to earlier in this Introduction and need not detain us. The question of greatest interest in the colony was the working of the Tobacco Act of 1730 and its amendment in certain small points that had

The working
of the Tobacco
Act of 1730.

Lawlessness in
the Northern
Neck.

been found defective. Gooch reported favourably upon the measure and claimed that it had saved the industry of tobacco-planting from ruin and had given the colony several thousands of pounds more for its crop than would have been obtained if the Act had not been passed (241, *p.* 126 : 308, *pp.* 174-5). The older settled parts of Virginia were orderly and well-governed, but the disputed region of the Northern Neck was a scene of lawlessness and trouble. The people were remote from the seat of government and always remarkable for their disobedience : they were mingled with many transported convicts and were ready to oppose everything that concerned their interest by discovering and thwarting their knavery (149, *p.* 98). They particularly objected to the Tobacco Act which prescribed the inspection of tobacco parcels intended for export, because it prevented their practice of imposing trash and refuse upon their customers. "Some of the most turbulent among the planters rather than their tobacco should be inspected burned some of the warehouses upon the presumption that if they could by that means put a stop to [it], their trash which would not pass under the law, they might sell as usual when the repeal came in. Within the compass of a month four houses were destroyed by fire " (*pp.* 97-8). However, in time, when the discontented planters in the Northern Neck found that their hopes of repeal were likely to be disappointed since the Act was willingly accepted in every other part of the colony, the troubles gradually quieted down, although before it was over a parish church and a large tobacco warehouse had been wilfully and maliciously burned by the lawless and discontented mob as their last desperate effort (*p.* 177).

Customs
frauds in the
tobacco trade.

The Virginia planters were very hard hit by the low prices obtained for their tobacco in Great Britain and they petitioned Parliament and the King for an inquiry into the many frauds and mismanagement of the British customs which allowed much tobacco smuggling to be carried on with impunity. They sent John Randolph to London to propose a new system whereby these frauds might be prevented with benefit to H.M. revenue and a probable rise in the prices at which legally imported tobacco could be sold (309, 309 i).

The Middle
Colonies.

In the Middle Colonies of Pennsylvania, New Jersey and New York the year was comparatively uneventful and besides the matters on the frontier to which reference has been made earlier in this Introduction the despatches contain little or nothing calling

Constitution
of Rhode
Island.

for special remark. The very small knowledge of the authorities in England concerning the happenings in Connecticut and Rhode Island has already been noted, but we may also remark upon the peculiarities of the constitution of the latter colony, which appeared in the report of the Attorney- and Solicitor-General upon the dispute between Governor Jencks and his opponents. According to the Charter the Governor stood in a different position to the Assembly to what was usual throughout the colonies. "The General Assembly, or the greatest part of them then present, whereof the Governor or Deputy Governor and six of the Assistants at least to be seven, have a power to make and repeal laws . . . [but] no negative voice is given to the Governor nor any power reserved to the Crown of approving or disapproving the laws. Though by the Charter the presence of the Governor or in his absence of the Deputy Governor is necessary to the legal holding of a General Assembly, yet when he is there he is a part of the Assembly and concluded by the majority. Consequently acts passed by the majority of such Assembly are valid in law, notwithstanding the Governor's entering his dissent at the time of passing thereof" (340). Rhode Island thus differed from the royal colonies wherein the Governor's veto upon legislation was an effective part of the constitution and was very frequently exercised.

Massachusetts.
Governor
Belcher's
troubles.

As was remarked in earlier Introductions, by far the most recalcitrant and difficult colony to handle was Massachusetts. Governor Belcher's post was a bed of thorns, for he had three or four major difficulties on his hands at once, yet he could get little direction from the authorities in England to help him. In November 1731 the Board of Trade had written admonishing Belcher "to be punctual in your correspondence with them and give them constant accounts of whatever shall happen in your Governments" (see Introduction, *C.S.P.* 1731, p. xxxiv). This reproof he received at the end of March and naturally it moved him to protest. "As this single letter of yours acknowledges the receipt of eleven of mine, and that I have since wrote them four more, I hope their Lordships will have no reason to complain for want of constant accounts from me" (188). In October things had got worse, for Belcher had to write to Popple, "It is a long time since I have had the honour of any from their Lordships, and I suppose near twenty of my letters lie now before the Board unanswered" (426). This complaint reached the Board in December 1732, but it was not read until the end of August 1733 when it was lumped

with twenty-four other letters and papers relating to Massachusetts besides half a dozen from him dealing with New Hampshire (*Journal*, pp. 355-6).

Belcher was certainly doing his best in very difficult circumstances in the face of an Assembly that refused to find means for supplying the expenses of government or even for paying the long overdue wages of the soldiers garrisoning their forts, and the tone of the Board's letter to him in October 1732 therefore seems very undeserved. It was agreed upon by the President (the Earl of Westmoreland) and Messrs. Bladen and Brudenell, Commissioners (*Journal*, pp. 320, 321) and may be said to show something of the growing irritation in England concerning Massachusetts affairs. They began by acknowledging the receipt of eleven letters from the Governor dating back to June 1731, "the substance of all which letters [relates] principally to the old difficulties in the matters of your salary, upon which you have had our repeated opinion . . . We advise you to continue your endeavours to induce the Assembly to a due compliance with H.M. most reasonable demands. For though H.M., as you have hitherto fulfilled your duty in this particular by complying with the tenour of your Instruction, has once had the goodness to allow you to receive a present from the people in lieu of a salary, we cannot say what may be the success of your second application, and certain it is that we cannot constantly advise his Majesty to show the like condescension to a people who in no instance have shown any inclination to do what has been proposed to them by his Royal Instructions If the Assembly of New England, when they come to be acquainted with H.M. confirmation of these Instructions, should either refuse or neglect to supply the Treasury of that Province in a legal manner, so that neither the fortifications can be kept up nor the dignity of H.M. Government supported, it will be the Assembly only that will remain answerable for the ill consequences of their own conduct" (412).

The latter part of the letter was even more minatory in tone. "Your remarks upon what Mr. Newman wrote to you about his having applied to this Board for the appointment of some Councillors in New Hampshire are something new. For if you imagine that your being directed to lay before us constant lists of such persons as you may think qualified for that trust implied any necessity that we should nominate from your list only, we must inform you that you are very much mistaken" (p. 234).

"We can't avoid taking notice of the many parts of your letters, where in general you insinuate pretty hard things against the character of Colonel Dunbar. If you design this by way of complaint against him, we desire to know it that we may send him copies thereof for his answer. If not, you may discontinue this way of writing for the future " (412, p. 234).

Disputes
with Dunbar.

The endless disputes between Belcher and Dunbar dragged on with wearisome monotony but no new points appeared. On one point at least Dunbar suffered complete defeat, for the decision was given in favour of the claims of the Massachusetts men to the Kennebec lands and his schemes for founding new settlements there came to an end (*Journal*, p. 429 and see Index *sub* Kennebec).¹ Dunbar must have been a man of dictatorial temper and little judgment if Belcher's description of him is to be accepted. "Mr. Dunbar's violent proceedings with the people [near Pemaquid] in threatening to tie them to trees and whip them, to shoot 'em and burn their houses has made several of 'em tell me they thought they lived in an English Government and were not to be dragooned like French slaves. That gentleman's insulting behaviour will never be any service to the Crown in that part of the world. The people will not recede from any part of their right, but by being treated as Englishmen, I mean by a due course of law. Some of the claimers have told him they will part with their lives as soon as their lands, which their ancestors purchased with their money and their blood " (101).

There is an entry of a commission appointing one Spencer Phipps as Lieutenant-Governor of "New Hampshire" in April 1732. Reference to the documents (*C.O.* 324/50, pp. 59-60 and 324/36, p. 326), however, shows that there is a mistake in this abstract. Phipps was appointed Lieutenant-Governor of Massachusetts Bay, not of New Hampshire. Despite Belcher's repeated requests Dunbar was retained in his appointment and is designated Lieutenant-Governor of New Hampshire as late as 1738 when he came to England on leave of absence (*Journal*, 1734-41, many entries under this title down to p. 239).

¹ It must be noted that forty pages have disappeared from the New England Entry Book for 1732 (*C.O.* 5 917). These pages cover the period from April 26th to September 17th, 1732. The binding was broken and the quires loosened, probably by accident. The disappearance is certainly not recent.

§ III.

THE WEST INDIES.

The Bahamas.
Compensation
to the Lords
Proprietors
and lessees.

The final stages of the long process of taking the ill-starred and destitute colony of the Bahamas into the hands of the Crown involved difficult questions of compensation. The actual rights in the islands were legally in the hands of Sir Charles Wager and other lessees who with Captain Woodes Rogers had purchased a lease for twenty-one years from the original Lords Proprietors, which in 1732 had still nearly seven years to run. These lessees claimed that they ought to be compensated for the remainder of their lease, also for the £20,000 they had paid to the Proprietors for their old fortifications and other improvements and for a further £20,000 which they had expended in sending out inhabitants, provisions and stores and in suppressing pirates. They had expected to recoup themselves for this expenditure by disposing of grants of lands, but they had sold little or none, and now they claimed that they ought to receive an allowance from the Crown of a sum equal to that allowed to the Lords Proprietors. The Board of Trade had many interviews with the lessees to discuss the matter and come to terms, and finally the lessees were willing to accept a sum of 6000 guineas in full discharge of all their claims. The Board reported this offer to the Committee of the Privy Council and recommended its acceptance in order that all titles to land in the Bahamas might be placed upon a secure basis. They advised that a demand should be made to Parliament for the sum, and a bill brought in to make the purchase effectual according to the precedent set in the parallel case of Carolina (128. *Journal*, pp. 279–80, 282, 284). The Committee were not, however, prepared to accept the course proposed in the report and sent it back to the Board with orders to enquire into the exact amounts received by the lessees from quit-rents in the islands (137. *Journal*, p. 292). The matter therefore still dragged on until August 1733 when an Order in Council was issued to the Treasury directing the completion of a bargain whereby the Proprietors were paid out for £6000 and the lessees for £2000 (*Journal*, p. 367), a meagre recoupment for all the losses that had been incurred in that disastrous experiment in colonisation.

Death of
Capt. Woodes
Rogers.

No one had striven more to make the experiment a success than Captain Woodes Rogers. He had been appointed as the

first royal Governor, but he had only a very short tenure of the office, for he died in harness on July 15, 1732, as was announced to the Duke of Newcastle by a letter from the President and Council of the Bahamas dated July 20 (310). Richard Fitzwilliam was appointed to succeed him as Governor in January 173 $\frac{2}{3}$ (*Journal*, p. 367), but an abstract of his commission appears among our papers here on the date of Woodes Rogers's death, July 15, 1732 (304). This must clearly have been ante-dated, and attention is here directed to it as an example showing how the dates attached to the papers calendared must not always be taken as first-hand evidence without confirmation. As a matter of fact it was not until May 10, 1733, that the draft of Fitzwilliam's commission was approved by Order in Council (*Journal*, p. 346), and the actual passing of the seal must therefore be nearly a year subsequent to that at which it appears among our abstracts.

Barbados.
Succession to
Governor
Worseley.

Another example of the complexities attending appointments to colonial Governorships appears in connection with the Governorship of Barbados. Henry Worseley had held this appointment for several years, and it was determined to supersede him in April 1731 when orders were given for the preparation of a commission for Walter Chetwynd, who had been a Commissioner of Trade (*Journal*, p. 196). Long discussions took place during the autumn of 1731 concerning the salary to be paid to him (*Journal*, pp. 230-1, 258-9), but, before they were completed and he had taken up the appointment, Chetwynd died (February 173 $\frac{1}{2}$, 69) and a new appointment had to be made. Worseley had returned to England in November 1731 (*Journal*, p. 243) leaving the government of Barbados to be administered by the President of the Council, and it was not until May 1732 that Viscount Howe was nominated as Governor (208). The draft of his commission was prepared by the Board of Trade on May 17, 1732 (221) and apparently approved by the Committee on the following day (222) and the royal warrant was issued on May 31 (248). But this approval was not received by the Board of Trade until August 15 (222), and read by them on September 7 (*Journal*, p. 316). The instructions for the Governor were prepared in November and December (*Journal*, pp. 325-6), but he did not arrive in Barbados until April in the following year.

Paralysis of
government in
the colony.

While matters were thus taking their leisurely course in England, the government of the colony was being administered by the President of the Council, Samuel Barwick. But he found

it impossible to secure ready obedience from the officials of the colony, and things seem to have fallen into a bad state of neglect. Neither the Clerk of the Assembly nor the Clerk of the Courts of Common Pleas would render transcripts of the Assembly's Journals or of the proceedings of the Courts of Common Law, nor would the Treasurer send in his accounts. President Barwick was therefore unable to comply with the insistent demands of the Board of Trade for the transcripts they needed to complete their files. The officers knew that the President could not remove them from office for neglect without the consent of at least seven members of Council, and as this was impossible, they could flout the President's authority with impunity. Even more serious was the Assembly's neglect of the fortifications which in a tropical climate rapidly fell into disrepair. Governor Worseley had found it difficult to secure the necessary supplies from the Assembly, and after his departure nothing whatever was done and the colony was falling into a state of complete defencelessness (349).

Leeward
Islands.

Nothing of particular moment happened in the Leeward Islands in the course of the year. The burden of government had, in the absence of a Governor, usually fallen on the shoulders of the Lieutenant-General, Colonel William Mathew who had seen longer service in the West Indies than almost any colonial official. But during 1732 Mathew was on leave of absence in England (see *Journal*) and the burden of administration fell upon Michael Smith, President of the Council of Nevis, who was neither experienced nor influential and was a very poor and infrequent correspondent with the Secretary of State or the Board. It is possibly to his incompetence that the dearth of information during the period is attributable.

Jamaica.
Removal
of the two
regiments.

The unfortunate experiment of placing two regular regiments in Jamaica, to which reference has been made in preceding Introductions was at last brought to an end. The remnants of the regiments were ordered to Ireland, although those of the soldiers who wished to enlist in the Independent Companies in Jamaica were permitted to do so (18, 19, *p.* 65). The cadres of the regiments sailed in March, 1732 (146) after endless wrangling of Governor Hunter with the Assembly, who obstinately refused to pay any of the heavy expenses that had mounted up against army funds which were supplied from the pockets of the British taxpayer. The tragic story of blundering and incompetence, if not worse, that dogged the many parties sent against the negro

Failure to
suppress the
negro revolt.

rebels in the interior still dragged on. Governor Hunter's despatches make depressing reading, for they invariably alternate between hopeful descriptions of new efforts against the rebels and accounts of the failure of party after party to make any permanent headway in suppressing the insurrection. Owing to cowardice, disobedience and sometimes actual treachery, party after party fell into ambushes laid by the rebel negroes in the thick woods, but nothing seems to have persuaded the members of the Jamaica Assembly to drop their factions and unite in measures to clear up the danger that they never ceased to proclaim as fatal to any security or prosperity in the colony (*see e.g.* 170, 292, 388, 462).

The island's trade has already been referred to earlier in this Introduction, but we may again draw attention to the efforts that were being made to encourage the production of coffee (29 i. 83 i). Cocoa was formerly one of the principal commodities in Jamaica, but the trade was now lost owing to the restrictions and heavy duties laid upon it in Great Britain. There was a fear that a similar decline might threaten the trade of the colony in rum and ginger (83 i), and appeals were made to the Crown for their encouragement by bounties such as were paid for hemp and flax culture in the Northern Colonies.

§ IV.

MISCELLANEOUS.

There are no references to the African trade during the year among the papers here calendared, but what was done in the business of the African Companies with the Board will appear in a later volume of the *Calendar* especially devoted to African affairs.

An odd phrase occurs in a letter from Lord Delawarr to the Duke of Newcastle. He wrote in reference to a complainant about the proceedings of Governor Burrington of North Carolina. "Mr. Cole, whose head of hair your Grace is perfectly acquainted with is the occasion of my troubling you with this" (449). The reference, as it stands, seems inexplicable, for whether it refers to Mr. Cole's natural hair or his wig or is merely some catch phrase does not appear. There is another unusual phrase in a letter from Lieutenant-Governor Armstrong concerning land grants in Nova Scotia. He speaks of the "bullings and boundings" of all patents granted in the province since his arrival (455).

ARTHUR PERCIVAL NEWTON

CORRIGENDA.

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- Page 27, No. 37 i, line 10. *For* "Cape Roziers" *read* "Cape Rosiers."
- Page 100, No. 159. *For* "5 April 1732" *read* "5 April 1733."
This letter and enclosures really belong to that year. See *Journal*, p. 338.
- Page 114, No. 194. *For* "New Hampshire" *read* "Massachusetts Bay."
- Page 205, No. 367 i, line 15. *For* "no" *read* "not."

COLONIAL PAPERS.

JANUARY, 1732.

1732.

Jan. 4.
Whitehall.

1. Mr. Popple to Mr. Oxenford. *Requests* an account of sugars imported from the British Sugar Islands respectively from Xtnas 1726 to Xtnas 1730 ; quantities re-exported, and whither ; exports from G. Britain to the Sugar Islands, and to America, distinguishing each Colony. In all the respective accounts the quantities and value to be fixed. [*C.O.* 29, 15. *p.* 247.]

Jan. 4.
Whitehall.

2. Council of Trade and Plantations to the Duke of Newcastle. Enclose following, lately received from President, Rip Van Dam, to be laid before the King. *Autograph signatures.* 1 *p.* *Enclosed,*

2. i. Representation of the President, Council and General Assembly of New York to the King. Sept. 15th, 1731. *Duplicate* of encl. i. Nov. 2, 1731, *q.v.* 1 *large p.* [*C.O.* 5, 1086. *ff.* 34, 37.]

Jan. 4.
Whitehall.

3. Council of Trade and Plantations to the Lords Commissioners of H.M. Treasury. Request payment of Office expences and Officers' salaries for quarter ending Christmas last. Account annexed. [*C.O.* 389, 37. *pp.* 333, 334.]

Jan. 4.
Whitehall.

4. Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, 9 acts of New York, 1731. [*C.O.* 5, 1125. *pp.* 178-180.]

Jan. 5.
Whitehall.

5. *Same to Same.* Encloses, for his opinion in point of law, four acts of the Massachusetts Bay, 1731 ; (i) for the better regulating swine ; (ii) for the better curing of fish ; (iii) for encouraging the killing of wild cats ; (iv) for *apportioning and assessing a tax of £68 18s. and a tax of £20 laid on the town of Weston for not sending a Representative, and other taxes etc.* [*C.O.* 5, 917. *p.* 29.]

Jan. 5.
Jamaica.

6. Governor Hunter to the Duke of Newcastle. *Acknowledges* orders of 16th Sept. *Continues :* The duplicates by a Bristol ship as I had the honor to write to your Grace I had received above a month ago, and exactly pursued all such orders and directions as were contained therein. This goes by a Bristol ship which sails immediately, so that I can not write so fully as I would. The Independent Companys will be compleated in a few days, and gratuity order'd by H.M. has been and shall be punctually pay'd to all. Yesterday the Assembly met and I

1732. [6]

spoke to them, as in the copie inclosed, *etc.* Their fears may work upon them at this time, but even these have not been able hitherto to get the better of humour and faction : I have done my best. I inclose with this also the late letters which pass'd between the Field Officers and me, only because they send, as I am told, all such home. There are bad reports from the north side of the island, of the desertion of the negroes from the plantations there, even affirm'd by one of their members yesterday in the House, but I shall not be particular as to that untill I shall receive more authentick information. Your Grace will have the goodness to pardon this confusion, for I assure you that at present I have not time for necessary rest and refection. I shall go on to the utmost of my strength, that I may never be thought unworthy of so good a patron *etc.* Signed, Ro. Hunter. Endorsed, R. March 7th. 2 pp. Enclosed.

6. i. Speech of Governor Hunter to the Assembly, 4th Jan., 1732. *c. following* encl. i. Copy. 2½ pp.

6. ii. Lt. Col. Cornwallis, Lt. Col. Fountain and Major Hely to Governor Hunter, 15th Dec., 1731, O.S. As your Excellency was pleased (13th inst.) to require the field officers of the two regiments to wait on you at Spanish Town, to advise with them, in taking proper measures for destroying the rebel slaves *etc.*, not having a proper opportunity when there, to declare our oppinions, before your Excelley, and Council, for want of such lights as were necessary to guide us therein, by reason the overseer (or guide), who was with the last command during the action *etc.*, was not examin'd when we were present, everything being agree'd upon by your Excelley, and Council, before our attendance was judg'd necessary, according to the resolution delivered to Col. Cornwallis when we were called for : having since that made it our business to enquire of the said overseer, the nature of the ground the late party march'd : we are inform'd by him and by other accounts that this is the third party that has been defeated in the same place, and that in marching to the settlement of the rebellious negroes, which is four or five days march at least from the breast-work, the men were oblidged to go along the course of a river as the path leads, and cross the fords above twenty times in one day and near as often every day, which in most places is breast high, and that they often meet with high rocks, to get over which, they were forced to climb on each others backs, and to hand up their arms, baggage and ammunition, and that on every side the river, there is thick wood, and mountaneous ground arising from it, by which means a few men lodged above, on either side the river, may destroy any number sent against them whilst they are crossing these fords, almost without being seen, which was the case of the last party, where some were wounded within fifteen yards of the ambush, without seeing the enemy, whose method

1732. [6. ii]

was to fire, then lie down, and load again, and so keep themselves constantly under cover: This, and other accounts, convincing us of the several difficultys those partys labour'd under *etc.*, and considering the rapidness of the rivers, the depth of the waters, and the many mountains, and high rocks they met with in the passage, the several narrow defiles where two men could not march abreast, with many other almost insuperable difficultys, together with the nature of the people they had to engage, who were too well acquainted with all the narrow passes and other advantageous posts, from whence they can with most ease annoy any partys sent against them: *etc.*, we think our duty to lay before your Excellency, our humble opinions relating to the present order for the speedy march of the remains of the troops to the same place *etc.* We are humbly of opinion that the only practical way to pursue and destroy those runaway negroes *etc.* is to have a sufficient number of negroes ordered to cut and clear roads, so that six men at least may march abreast, and where the places will not admit of such roads to be cut, then to chuse some more practicable places for it, and that all narrow defiles should be avoided as much as possible *etc.* Likeways at convenient distances, that breast works, redoubts *etc.* be raised in case of accidents as supports *etc.* Without some such works, it will be scarce possible to be of any service to the country in keeping for their use the negro settlement:—should the party meet with success, since it will be necessary that provisions be conveyed to them from Port Antonio, which cannot be safely done without some security being made, for partys on that service *etc.* *Suggest* that sending all the troops on parties under such difficulties as the present will discourage men in the two Regiments from enlisting in the two Independent Companies *etc.* But if this opinion does not meet with H.E.'s approbation, they will always be ready to comply with his commands *etc.* *Signed*, Ste. Cornwallis, Jas. Fountain, Jno. Hely. *Copy. 2 pp.*

6. iii. Governor Hunter to Lt. Col. Cornwallis *etc.* 21st Dec., 1731. *Reply to preceding.* Thanks them for acquainting him that they have sent a copy of preceding to England. He had not done so, or made it public, thinking it might bear a construction which might cause them concern, that at such a time they should raise difficulties and dangers. He is still of opinion they are neither such nor so many as they suggest. The remedies proposed by them require much more time than there is the least hope of their having the assistance of the two Regiments. *Continues:* There are other paths besides that short and unsuccessfull one, by one of which Peters, not long agoe, who is one of the overseers and guides on this last

1732. [6. iii]

expedition, could march into and drive the rebels from that their chief strength and settlement, of which he was possess'd three days, and then contrary to his orders deserted; and my orders to the officer commanding in chief confin'd him to no particular route to that same settlement, but left that to his discretion when he had taken the best advice he could *etc.* I should think it as easy as H.M. Officers and troops to find that way and to get possession as Peters did with a less considerable party without complaining of any such difficultys. I think it highly to H.M. service, the safety of this his island and the honour of his troops that whilst they remain here they be imploy'd in the destruction or reduction of these slaves and the Genl. Assembly being to meet on the third of next month I make no doubt but they will agree upon measures to supply such things as you say, in your memorial, will be wanted, but exert themselves to the utmost to render the next effort more successful. I acquainted Capt. Lamilliere that he should, as he desired, have a Genl. Court Martial for the justification of his conduct *etc.* *Concludes:* It is the opinion of most in this island that there has not been that alacrity in the officers for carrying on the service design'd by H.M., but by difficultys and divisions first begun by Capt. De la Milliere and afterwards confirm'd by orders from the Commanding Officers of the two Regiments, which were that none of the men should work without being paid for it, tho' no work was ever required of them but what was for their own preservation, the want of which must have been the loss of many men, and it was very hard some work could not be allow'd a countrey who had been so bountifull to give so large an additional allowance even beyond their abilitys purely to engage them the more willingly to serve the country. *Copy.* 2 pp. [C.O. 137, 54. ff. 13, 13 v., 14 v., 16, 17, 17 v., 19, 19 v.]; and (duplicate of *encl.* iii. only) 137, 47. f. 122.]

Jan. 5.
Jamaica.

7. Governor Hunter to the Council of Trade and Plantations. Having wrote to his Grace the Duke of Newcastle by this Bristol ship just upon her departure, I thought it my duty to inclose to your Lordships a copie of what I say'd to the Genl. Assembly yesterday, upon their meeting, to which I refer you for an account of our present situation. I can make no judgement as yet of what they will or can do for themselves, as soon as I can, I shall not fail to inform you *etc.* *Signed,* Ro. Hunter. *Endorsed,* Recd. 6th March. Read 12th Sept., 1732. 1 p. *Enclosed,*

7. i. Speech of Govr. Hunter to the Council and Assembly of Jamaica, (4th Jan.). They were summoned upon the news of the bad success of the parties sent out against the rebellious slaves. By advice of the Council, he ordered the troops to be drawn together at two places of

1732. [7. i]

rendezvous, Port Royal and St. Antonio. H.M. has determined to recall the two Regiments here, and he expects orders for their embarkation this month. H.M. has given orders for completing the establishment of the two Independent Companies by enlisting such private soldiers as are willing, and for discharging such as wish to remain, and recommends that proper encouragement and gratifications be given to all such. *Recommends* to the Assembly the immediate provision for the necessary supplies for the ensuing year, in order to avoid having to meet again soon, and to the Council of Assembly the taking of solid measures for their safety. "It has been suggested at home to H.M. Ministers, and the Lords Commissioners of Trade, that a treaty with the rebels, by which they are to agree to be transported to some of the Bahama Islands, or the employing again the Musketo Indians against them may be of use" *etc.* Leaves it to their judgment. His own belief is that "nothing can prevent the growth of the evils you labour under, but the speedy peopling of the unsettled part of the country." *Emphasises* the present opportunity of inducing the soldiers, men inured to military labour and discipline, to settle on the good lands in the North East, with defensible barracks or guard houses erected in proper places to prevent surprises. "This would not only distress the rebels by cutting off their access to salt and fishing there, confine them to their fastnesses, and probably make them disperse, but facilitate any future offensive *etc.*, and encourage greater numbers to become settlers there" *etc.* *Hopes* they will improve this suggestion *etc.* *Same endorsement.* *Copy.* 2½ pp. [C.O. 137. 20. ff. 39, 40-41 v., 42 v.]

Jan. 5. 8. Mr. Popple to Mr. Mathews, Solicitor in behalf of Mr. Blake, and to John Sharpe. My Lords Commrs. have appointed the 18th inst. to hear petitioners against the act of St. Christophers, 1712, *for settling estates and titles etc.* [C.O. 153, 15. p. 125.]
Whitehall.

Jan. 6. 9. Mr. Popple to H.M. Attorney and Solicitor General. *Encloses* petition of Rev. Timothy Cutler *etc.* (v. 1st Nov. 1731), complaining of several acts passed in the Massachusetts Bay, subjecting the members of the Church of England to pay to the support of the Ministers of other persuasions, and requests their opinion thereupon, and upon similar petition referred to them 14th Nov., 1727; and upon an Act of 1727, *in addition to several acts for the settlement and support of Ministers etc.* [C.O. 5, 917. p. 30.]
Whitehall.

Jan. 7. 10. H.M. Warrant appointing Isaac Amyand Clerk of the Assembly, S. Carolina. *Countersigned*, Holles Newcastle. *Copy.* [C.O. 324, 50. pp. 95, 96; and 324, 36. p. 299.]
St. James's.

1732.
Jan. 7.

11. Mr. Fane to the Council of Trade and Plantations. Has no objection to four acts of the Massachusetts Bay, 1731. *Signed*, Fran. Fane. *Endorsed*, Reed, 9th Jan. 173 $\frac{1}{2}$, Read 18th Jan., 173 $\frac{3}{4}$. 1 p. [*C.O.* 5, 876. *ff.* 19, 24 v.]

Jan. 9.
Horringer
near Bury.

12. Mr. Davers to [? Mr. Brudenel]. I am now in hopes I have secured my interest soe well wh. I left in Barbadoes that I shall have noe occasion to goe there again upon that acct., and the father of the gentleman who bought my estate having an inclination to be one of the Counsell *etc.*, *recommends him*, Thomas Applewhaite, to fill his place *etc.* *Continues*: I was in Town all the Hollydays in hopes to have the pleasure of waiting on you myself and called at yr. house before I left the Town, but yr. servant told me he did not know when you would come, for he had no direction to send your coach *etc.* I am confident the Duke of Newcastle will be soe good (if you speake to him) to doe this for me *etc.* 'Tis noe more than a feather in the cap, but 'tis what the Barbadians like *etc.* *Signed*, Sr., Yr. most obedt. and obliged humble servant, J. Davers. *Endorsed*, Reed, (from Mr. Brudenel), Read 13th Jan., 173 $\frac{1}{2}$. *Holograph*. 1 p. [*C.O.* 28, 22. *ff.* 142, 142 v., 143 v.]

Jan. 12.
Whitchall.

13. Duke of Newcastle to the Council of Trade and Plantations. You are to prepare a Commission and Instructions for Col. William Cosby, appointed Governor of New York and New Jersey *etc.* *Printed*, N.Y. Col. Doe^c V. p. 930. *Signed*, Holles Newcastle. *Endorsed*, Reed., Read 13th Jan., 173 $\frac{1}{2}$. $\frac{3}{4}$ p. [*C.O.* 5, 1055. *ff.* 227, 228 v.]

[Jan. 13].

14. Memorial of the Master Wardens and Assistants of the Company of Feltmakers of London in behalf of themselves and all the Hatmakers of Great Britain to the Council of Trade and Plantations. Most humbly sheweth, that the making of hatts hath arrived to the greatest perfection in Great Britain and a trade hath been by them with great diligence and expence settled with the inhabitants of the Plantations in America who have heretofore been solely supplied with hats from hence in exchange for beavor skins and other the produce of the said Plantations. That the inhabitants of the said Plantacons having beavor and provisions considerably cheaper than in Great Britain (not being chargeable with custom, freight or hazard of the seas) hath induced them to set up the manufacture of making beavor hatts and to neglect the business in which they might be more beneficial to this Kingdom and thereby better answer the end of settling the said Plantations and in order to bring the hat making into greater perfeccon there they have procured many of the artificers of Great Britain to goe to the said Plantations to whom they give great rewards and the persons setting up the trade there take many apprentices for two yeares only and have large sumes of money with them to learne them their said art. That by reason of the duty of about sixpence per skin paid in Great Britain and of freight and other charges the inhabitants of the said Plantations

1732. [14]

are enabled to serve the forreigne markets and even to send over hatts to Great Brittain cheaper than the hat makers can make them. by meanes whereof the said trade of hatmaking in Great Brittain now does and will daily decline and the Navigacon rendred useless as to the importation of such of the produce of the Plantacons as were usually sent in trade for hats and the making of hatts with coney wool will be extreamply lessened and severall lands in Great Brittain rendred of little or no value and the whole manufacture of Hatmaking in this Kingdom in danger of being further greatly depressed to the great impoverishment of many poor familys whose livelihood depends thereon. Wherefore it is humbly proposed that the inhabitants of the said Plantations may be prevented from wearing or vending any hats save what are of the manufacture of Great Brittain which will increase the Customs and Navigation and set to work great numbers of poor familys and enable the Hatmakers to revive their declining trade. *Endorsed*, Recd. 13th Jan., Read 1st Feb., 173 $\frac{1}{2}$. *Scal.* 1 p. [C.O. 323, 9. fff. 93, 93 v.]

Jan. 13.
Treasury
Chambers.

15. Mr. Scrope to Mr. Popple. The Lords Commrs. of H.M. Treasury desire copies of the case tried at Boston 9th May, 1730, and the act of appeal thereupon to the High Court of Admiralty mentioned in your letter of 21st Dec. *etc.* *Signed*, J. Scrope. *Endorsed*, Recd. 14th, Read 20th Jan., 173 $\frac{1}{2}$. *Addressed*. $\frac{3}{4}$ p. [C.O. 5, 874. fff. 20, 27 v.]

Jan. 13.
Whitchall.

16. Council of Trade and Plantations to the King. Thos. Davers Esq. one of your Majesty's present Council of Barbados, being now in Engld. has signify'd to us, that he is determined not to return to that Isld., and that he is willing his name should be left out of the said Council. *Recommend* Hugh Hall in his place *etc.* [C.O. 29, 15. p. 248.]

Jan. 14.

17. Memorial of Merchants *etc.* trading to South Carolina to the Council of Trade and Plantations. More than a year ago, petitioners convinced Mr. Fane of the absolute necessity of restoring the summons Act in S. Carolina, by reason of the great number of negro slaves in that province and the small number of planters, and those dispersed at a great distance *etc.* *Pray that* the law process there may be as it was before 1726, that commerce may be put upon a more equal foot between the British merchant and the planter *etc.*, and that they may have some reasonable hopes of recovering debts fairly and justly contracted, which by the capias act cannot be effected. *Signed*, Thomas Smith, John Hewlett and 8 others. *Endorsed*, Recd. 14th Jan., Read 16th Feb., 173 $\frac{1}{2}$. 1 p. [C.O. 5, 362. fff. 50, 51 v.]

Jan. 15.
Jamaica.

18. Lt. Col. Cornwallis to the Duke of Newcastle. *Acknowledges* order for embarkation of 16th Nov. *etc.* *Continues*: In obedience to H.M. former order the two Independent Companys are already compleated, and I believe the encouragement given

1732.

[18]

by the Assembly (*enclosed*) will induce most of the rest to become settlers *etc.* *Expresses* gratitude for his assistance in forwarding his preferment *etc.* *Signed*, Ste. Cornwallis. *Endorsed*, R. 23rd March. 1 $\frac{3}{4}$ pp. *Enclosed*,

18. i. Encouragements offered by the Assembly of Jamaica to the soldiers of late Collo. Hayes's and Collo. Cope's Regiments to serve against the rebellious negroes and to settle *etc.* (v. 16th Jan. encl. v.). [C.O. 137, 51. f. 21, 21v., 22r., 23; and (*duplicate of encl. only*) 137, 47. ff. 125, 125 v.]

Jan. 16.
Jamaica.

19. Governor Hunter to the Duke of Newcastle. On the 10th of this month the *Gosport* arriv'd here which brought me the honor of your Grace's letter of the 16th of November last, with H.M. orders for the imbarkation of the two Regiments for Ireland, which Admiral Stewart has taken upon himself to expedite. Capt. Hicks arriv'd on the same day and brought me duplicates of the same. The two Independent Companys are compleated to their establishment out of the voluntiers of the two Regiments *etc.* Inclos'd your Grace has a copy of the encouragement offer'd by the Assembly to such of the soldiers as are willing to remain in the island, which were yesterday sent to them by persons deputed for that purpose to the two places of rendezvous Port Royal and Port Antonio, and I hope will be accepted by most of them. Our magazine of small arms being exhausted by means of our partys and of those lent to the King's ships, and the destructive rust of this climate; I have ventured to give orders to the commanding officers of the two Regts. to leave behind, each 100 arms, seeing H.M. is so good as to permitt those as remain in the country's service to keep their arms; and I hope your Grace will interceed with him for 500 more from the Tower for the magazine, which may indeed be soon wanted. Inclos'd your Grace has the several Addresses of the Council and the Assembly to H.M., which they most humbly beg may be dutifully presented to him *etc.* Since the deroute of our party we have had several desertions from of negroes from plantations, particularly a frontier plantation belonging to one Done, from whence seventeen went of in a body to the rebels with such arms as they could get, and a few from a neighbouring plantation belonging to one Passley with all the ammunition that was in the house; twenty of Col. Nedham's best negroes had deserted (but before this misfortune) four of them were kill'd on the pursuit, the rest escap'd to the rebels. It is my opinion that the main use of regular forces in this island is to take post in the several passes between North and South side as well to prevent incursions from these in rebellion and their correspondence with such as are not, as to deter them from meditating secessions or insurrections; The barracks which had been built by the several parishes at a great expence serve these purposes in some measure which I hope may be kept in repair and guarded by them untill the Legislature fall upon some proper measures to do't. The Assembly have had several odd projects for the better peopling

1732.

[19]

and defence of this island lay'd before them, some of which they seem to approve, but in a few days I hope they will fix upon something more solid and immediately necessary. I have had much trouble in keeping matters even and easie, between the Council and Assembly all along. the latter upon many occasions being apt to assume what does not belong to them, and the Council tenacious of their own rights; a matter of this sort produced a reprimand herewith inclos'd, which in duty and by the advice of the Council I was oblig'd to give on Fryday last, when they had leave to adjourn to Munday following, unto which I refer your Grace. I have been much indispos'd but am now better, and shall continue to lay out the little strength of mind and body that remains in my best endeavours for H.M. service, in the execution of the trust he has repos'd in me *etc.* *Signed*, Ro. Hunter. *Endorsed*, R. 25th March. $\frac{3}{4}$ pp. *Enclosed*,

19. i. Duplicate of encl. ii following.

19. ii. *and* vii. Governor Hunter's Speech to the Assembly of Jamaica, 14th Jan., 1732. Your undutiful behaviour in keeping your doors shutt, and disobeying H.M. authority when I this day sent the Provost Marshal to command the attendance of the whole House instantly in the Old Council Chamber, is of so unprecedented a nature, that were it not for the present exigency of the publick, I would resent it in a more proper manner, it being an incroachment on H.M. royal prerogative, never before attempted or aimed at in any of H.M. Dominions. *Copies.* $\frac{1}{2}$ p.

19. iii. Duplicate of encl. i. following.

19. iv. *and* vi. Duplicates of encl. iv. following.

19. v. Duplicate of encl. iii. following. [*C.O.* 137, 54. ff. 24-26, 27 v., 28, 29, 30, 31, 33, 33 v., 35, 36, 36 v., 38.]

Jan. 16.
Jamaica.

20. Governor Hunter to the Council of Trade and Plantations. *Encloses following and duplicate of* 5th Jan. *He has sent* to the Duke of Newcastle (*as preceding*) the addresses of the Council and the Assembly to the King. *Continues*: The Assembly now sitting have order'd the Additional Duty bill for the ensuing year to be engross'd, having left out the additional impost on negroes complain'd of by the merchants at home; they are indeed at a loss for ways and means, their exegenys increasing as their abilitys decline. They have had several projects lay'd before them for strengthening and peopling this Island, some of which they seem inclinable to close with, but these remedys being remote and the necessity imminent and immediate, I hope they will come to some more solid and requisite resolutions in the progress of this session *etc.* *Has informed* the D. of Newcastle of their apprehensions from the negroes *etc.* *Has completed* the two Independent Companys with volunteers from the Regiments *etc.* *Continues*: Deputys from the Assembly went yesterday to the two places of rendezvous Port Royal and Port Antonio, with the inclosed offers for volunteers for the Country service. The two Regiments, the remains of which are now under orders of

1732. [20]

embarkation for Ireland, posted in the barracks built for them in the several parishes at great expence were of use to the country, in preventing general secessions of negroes in plantations, and incursions of those in rebellion, tho' perhaps not so fit for attacks and pursuits in the woods and mountains as others. I have been very much indispos'd, am now better and shall go on to do all my best for H.M. real service to the best of my ability, whilst it is his pleasure that I should remain here *etc.* *Signed*, Ro. Hunter. *Endorsed*, Reed, 1st April. Read 12th Sept., 1732. 2 $\frac{2}{3}$ pp. *Enclosed*.

20. i. Governor Hunter's reply to following. Is encouraged by this cordial address to proceed to the utmost of his strength in his endeavours for the public good and safety. *Copy.* $\frac{1}{2}$ p.
20. ii. Address of the Council of Jamaica to Governor Hunter, 12th Jan., 1732. Return thanks for his Speech (*c.* 5th Jan., *encl.* i.). Nothing has been wanting on his part for the welfare of the country. Regret the recall of the two Regiments, in spite of their representation to H.M. of the necessity of continuing them. Will consider measures for the security of the country and for encouraging soldiers to settle. Acknowledge H.E.'s care and good conduct. There will come a time when all will be convinced of it. Even now he has the hearts and good wishes of all sincere lovers of the country *etc.* *Signed*, Jos. Maxwell, Cl. Concil. *Endorsed*, Reed, 1st April, 1732. *Copy.* 1 p.
20. iii. Governor Hunter's reply to following. Expresses satisfaction at their appreciation of his efforts for the safety of the country. Will employ the soldiers as they desire, if no other orders arrive from home *etc.* *Copy.* $\frac{1}{2}$ p.
20. iv. Address of the Assembly of Jamaica to Governor Hunter, 6th Jan., 1731 2. *Return thanks* for Speech (5th Jan., *encl.* i.). *Abstract.* Will endeavour to apply all suitable remedies and raise the necessary supplies for all exigencies. Express gratitude to H.M. for his care of them, in an additional supply of people from the two Regiments. Such of them as shall be inclined to settle, shall not want due encouragement. The defeat of the regular forces has given the inhabitants great uneasiness and put them under just apprehensions of a general insurrection of the slaves, as all or most of them want but a favourable opportunity to withdraw from their servitude *etc.* *Continue*: In this crisis we hope your Excellency will, with your wonted goodness, make the best use for our advantage of the two Regiments and the Independent Companys while they continue together, and order such detachments out of them as your Excellency will think sufficient to reduce the slaves in rebellion, particularly those in the North East parts of the Island, where by all accounts they have form'd

1732. [20. iv]

themselves into formidable bodys *etc.* Nothing shall be wanting in us to second your endeavours in establishing the security of this Island *etc.* Signed, John Stewart, Speaker. *Endorsed as covering letter.* 1 large p.

20. v. Offers for Volunteers (*v. covering letter*) £4 a month to any soldier that will offer to go after the rebellious negros, besides £10 a head for every negro they take or kill. Provision will be made for the wife and family of such soldier whilst out, or if killed, and for himself if disabled. £5 bounty on engagement and a month's pay in advance before marching *etc.* £20 to every serjeant *etc.* If 20 soldiers will settle in a body every one to have 100 acres of land given him, a negro boy, a negro girl, three barrels of beef and a barrel of flower, and every woman that belongs to them and goes with them, three barrels of beef and a barrel of flower, and every man to have an acre of ground clean'd for him at the countrey's charge. At every settlement where 20 settle, there is to be built a strong house with flankers at the countrey's charge, with a gang of dogs, and a guard to protect them, out of the two Independent Companys of Spanish Town and Port Royal. *Same endorsement.* 1 p. [C.O. 137, 20. ff. 44-46, 47, 48 *v.*, 49 *v.*, 50, 51, 52 *v.*, 53, 56 *v.*]

Jan. 16.

21. Address of the Assembly of New Hampshire to the King. Wee *etc.* humbly beg leave to remonstrate to your Majtie the great difficulty the poore people of this your Majtie's little Province whom wee represent labour under, haveing none under Heaven to repaire to for reliefe but to our most gracious King whose shining and distinguishing glory is in nothing more refulgent then in being the common father of his dutifull and loyall subjects and in redressing their grievances *etc.* The late long and tedious warr with the Indians to which this Province by its situation was peculiarly exposed, and the furnishing quotas of men and severall expeditions against Nova Scotia and Quebech by orders of her late Majtie, Queen Anne together with the rebuilding and repairing of your Majestie's Fort William and Mary *etc.* with the support of Government, involved this Province in a great debt *etc.*, wherefore the Government were necessitated to emitt bills of credit, and made acts for calling them in by a tax on the inhabitants payable annually to 1742 *etc.*, laying on every yeare as much as the poore people are able to pay, which has hitherto been punctually complied with *etc.*, and every year is loaded with so great sums as the inhabitants can possibly raise without adding thereto what may be necessary for the supporting the boner safety and defence of the Government. And H.E. our governor informs us that your Majesty's Royal Instructions forbids his assenting to any acts for postponing the funds already enacted, or emitting any more bills of credit but what shall be repaid within the period of 1742 *etc.* Out of a just regard and concern for those wee represent, *etc.*, supplicate H.M. royal leave to the Governor to assent to the emitting such summs to be

1732. [21]

repaid after the expiration of the period of 1742 as may be necessary for the honourable support of H.M. Government and their safety and defence, who have always distinguished themselves by their loyal and dutiful compliance with your Majesties Instructions, which we hope will always recommend them to your royal favor, especially in graciously granting this our humble request at this juncture when your Majesties fort William and Mary on which the principle security and safety of the Province depends is so very much out of repair and wholly destitute of ammunition *etc.*, and our poverty renders us unable to repair and supply otherways. *Signed*, By order of the House of Representatives, Andrew Wiggin: James Jeffry, Clerk. *Endorsed*, Recd. from Mr. Thomlinson. 1 $\frac{2}{3}$ pp. [*C.O.* 5, 10. ff. 94, 94 v., 95 v.]

[Jan. 17].

22. Draft of a bill for recovering debts owing to H.M. subjects trading to the British Plantations. *Abstract*. Whereas many and great difficulties do frequently happen to H.M. subjects trading to the British Plantations in America for want of effectual power for recovering debts owing to them from the inhabitants *etc.*, and whereas the trade and navigation of this Kingdom is greatly discouraged by reason the duties and impositions laid on the goods and ships of H.M. British subjects residing in this Kingdom and exceed those laid on the goods and ships of the inhabitants *etc.*, be it enacted *etc.* that sworn accounts transmitted from Great Britain be admitted as evidence *etc.*, and as the inhabitants of the Plantations have eluded their just debts under pretence that their lands, houses and negroes are real estates and not liable to the payment thereof, these shall be made so liable. Appeals hither from judgments touching any debts to be without any limit of sum concerned. All H.M. subjects of Great Britain trading to the Plantations shall be deemed residents in such Plantations and shall enjoy such rights as are enjoyed by the inhabitants thereof *etc.*, and not be liable to any greater duties, taxes or customs *etc.* than what are paid by the natives, residents and inhabitants *etc.* *Endorsed*, Recd. (from Mr. Wood) 14th. Read 18th Jan., 173 $\frac{1}{2}$, 2 $\frac{1}{3}$ pp. [*C.O.* 323, 9. ff. 87—88 v.]

Jan. 17.
London.

23. Capt. Coram to the Council of Trade and Plantations. *Abstract*. On occasion of the Address of the House of Commons for a representation on laws, manufactures and trade in the Plantations (5th May, 1731), *suggests* that the Plantations in America may be rendered much more useful and advantageous to and more immediately depending on Great Britain, by effectually hindering the Colonies falling into our manufactures *etc.* and encourage them to supply us as much as they can with such commodities as we are necessitated to purchase from foreigners with our money. Great quantities of woollen manufactures are made in most of the Northern Plantations *etc.* Hats are already made in such quantities that they export them, and the importation of beaver wool from thence is very much declined. Shoes are also made there with the leather of their own tanning, in

1732. [23]

great abundance. If those manufactures are permitted to go on for some years, it will be very difficult and may be thought a hardship to suppress them when very great numbers of hands are employd therein, whereas they are now but in their infancy, and may be easily restrained, or prohibited *etc.* The consumption of linnen of all sorts in the Plantations is amazingly great, and is supposed vastly to exceed the value of all the woollen goods exported thither. All such linnen is the manufacture of Germany and other foreign countrys, and consequently at the exportation of it from hence to the Plantations, draws back most of the dutys paid here at the importation thereof. The consequence is that the revenue is so much lessend, *etc.*, and the Plantations have such goods much cheaper than the inhabitants of this Kingdome who even bear the burthen and charge of protecting the Plantations. *Proposes* that no drawback of customs on such linnen be allowed, which will encrease the revenue and promote the export of British and Irish linnen, thereby encouraging the inhabitants of Ireland to keep at home and be industrious *etc.* *Proposes* that the drawbacks on East India goods and foreign goods re-exported to the Plantations, which make goods come cheaper there than in Great Britain be no longer allowed. Allowance might be made in the case of Jamaica, if this prejudices her re-export trade with the Spanish Dominions. If the Northern Colonys think it hard to be prohibited manufacturing wool, hats, shoes, linnen *etc.*, some ample equivalent may be given them by further encouragement to fall heartily in raising hemp and other commodities which we purchase from foreigners *etc.*, and to permit their whalefinns and oyle to be imported here upon the same footing as from Greenland *etc.* As the inhabitants of S. Carolina will never be able to pay their arrears of 20 years quit rents, it may be supposed that they will be excused it, and in that case future quit rent should absolutely be paid in hemp fit for the use of H.M. Navy *etc.*, and such of it as should not be applyd for that service to be sold there for the expence of building forts *etc.* This would put the inhabitants on raising hemp which they have not hitherto been prevailed to attempt, notwithstanding the encouragement given by Parliament in 1704, and would forever prevent the Russians from injuring this Kingdom with respect to hemp, as the Sweds did by their barr and pitch before the said encouragement was given by Parliament *etc.* There is annually imported from the dominions of Russia from 5 to 8000 tons of hemp, besides what is had from Poland *etc.* If the raising hemp were duly promoted, and some few foreign Protestants of divers nations well encouraged to settle in Carolina, they would quickly draw over to them abundance of their countrymen, "whereby that frontier Province would soon become a most noble, populous and beneficial country, greatly advantageous to the Crowne, by drawing of the inhabitants from foreigne countrys, without any considerable expence to this Kingdom" *etc.* *Set out*, N. J. Archives, 1st Ser. V. 308. *Signed*, Thomas Coram. *Endorsed*, Recd. 18th Jan., Read 1st Feb., 173½. 6½ pp. [C.O. 323, 9. ff. 89-92 v.]

1732.

[Jan. 17].

24. Council of Virginia to the Council of Trade and Plantations. Whereas we have received advice by a letter from the Agent of this Colony to H.M. Lt. Governor, that a petition is prepared and designed to be presented by sundry British merchants to the next session of Parliament, praying that an act may pass to hinder any law from being made in the Plantations that may affect the Trade or Navigation of Great Britain : that the lands here may be made liable to the satisfying all kinds of debts : and that appeals which are now limited to £300 may be allowed for any sum not under £100. And having seen the extract of a late letter from H.M. Lt. Governour to your Lordships, [c. C.S.P. July 10th. 1731], containing many just exceptions against the passing any such act, we beg leave also to lay before your Lordships, our reasons against every part of that petition. (i) That an Act of Parliament in such indefinite terms forbidding the Plantations to pass any law that may affect the Trade and Navigation of Great Britain, will in effect deprive them of the most valuable privilege granted them by the Crown as an encouragement of their first settlement : because our whole employment as well as interest bears so near relation to our Mother Country, that it will be almost impossible to frame any law that may not be construed some way or other to affect the Trade and Navigation of Great Britain. We can't, for example, lay any tax for the support of H.M. Government : we can't confine our coopers to a reasonable guage in the setting up tobacco hogsheads : nor can we make any provision for the improvement of our staple commodities : for preventing the making or false packing of unsound and unmerchantable tobacco pitch and tarr : or for the just payment of debts in good and valuable commodities (in all which the interest of the British merchants is equally concern'd with our own) without violating so general an act of Parliament. There is already a very positive and full Instruction from the King to all the Governours of his Plantations, to suffer no such law to take effect till it shall be assented to by his Majesty. 'Tis therefore very strange that the merchants who have the happiness to be much nearer the throne than the planters are, and are commonly sent for when any such law appears, should so far distrust H.M. paternal care in this particular as to petition for an act of Parliament to relieve them. Besides, it seems to be more for H.M. service, and for the interest of Great Britain, to prohibit the passing all such laws by a roiall Instruction, than by an act of Parliament, because the King, by the advice of his Council, will from time to time be perfectly able to judge of the expediency of any such particular law : while it will be hardly possible to form an act of Parliament that will distinguish every case *etc.* *Continue :* It is possible that a law may pass in the Plantations equally beneficial to the British and Plantation Trade and Navigation in general, which may yet thwart the private interest and conveniency of particular persons : and yet it would be injurious, even to the petitioners themselves, to prevent the passing such a wholsom law, by an act of Parliament, or condemn it when made, only because it concerns the Trade and Navigation

1732. [24]

of Great Britain : with which, it seems, petitioners do not intend the Plantation Assemblies shall in any case intermeddle *etc.* *Continue* : We presume the petitioners don't intend to exclude the King from judging how far the laws made in the Plantations shall be conformable to such act of Parliament (for 'tis certain there must be some judicature to determine the controversy) and if so, what greater effect could such an act of Parliament have than H.M. Instruction hath already *etc.* As the laws heretofore made in this Colony, which in any degree affect the Trade and Navigation of Great Britain, have always allowed a reasonable time before their commencement for the merchants to make their objections, and for H.M. consideration of the justness and usefulness of them, we hope the interest of our Mother Country is so fully secured thereby, that there is no need of such an act *etc.*, but that we shall still be indulged the same privilege in the making laws for ourselves, as this Colony hath enjoyed from it's first establishment : and that such laws shall be allowed to continue in force until H.M. shall see fit to signify his disapprobation thereof *etc.* (ii) *As to making lands in the Plantations subject to the payment of debts*, it would make too severe a distinction between H.M. loial subjects here, and those in Great Britain, by subjecting the lands of the planter to the demands of the British merchant, at the same time that the merchant's lands will not be liable to the demands of the planter. Our lands here are held by the same tenure, and are under the protection of the same laws, as the lands in England are : and seeing, in the course of the Plantation business, the factors are as often in the planter's debt, as the planter is in theirs : for this reason, if he hath not an equal remedy against them, it would be against Justice, which always holds the scales even. And therefore the consequence of so partial a distinction must necessarily tend to create uneasiness in the minds of a loial people, when they find they have not equal Justice with the rest of their fellow-subjects : especially since it can't be denied even by the petitioners themselves, but they are as dutiful to H.M. and as useful to their Mother Country *etc.* (iii) *As to appeals*, the expence a planter must of necessity be at in going to England to support the judgment he has obtained here, and the damage he must sustain by being absent from his business and family, can never be valued at less than £100 : It should therefore seem a little absurd to desire that appeals may be for so small a sum as can hardly be supposed equal to the charge of recovering or defending it. Besides the reducing of appeals *etc.* will open a door to very great injustice and oppression by sacrificing the poor to the rich : a man in low circumstances must in such cases submit to give up his right to a more powerful adversary, rather than be dragg'd to England for so small a value, where he must spend more in pursuing his claim than it can be worth. And lastly, in appeals between the planter and the British merchant, the latter will always have the advantage of living upon the spot, and consequently of prosecuting his claim at a much smaller expence : he may therefore afford to appeal for so inconsiderable a sum as

1732.

[24]

£100, at the same time that the planter who has the misfortune of living at a great distance from the fountain of Justice, must be a great sufferer by it. This makes the planter's case very compassionate, and lays him under a manifest disadvantage with respect to all appeals between him and the merchants at home : and more particularly where the sum appealed for is so small as an £100. For all which reasons, we humbly hope that no such law may pass *etc.*

Tho' we have to our great satisfaction seen by the printed votes, that the bill which was prepared last session of Parliament on the solicitation of the gentlemen of Barbadoes and the other Sugar Islands, came to be rejected in the House of Peers, yet we are still apprehensive new endeavours will be used to obtain a law which gives the Sugar Colonies so great an advantage over all H.M. Plantations on the Continent. We entreat your Lordships to permitt us to add our reasons to the many judicious remarks on, and just exceptions to the subject matter of that bill contained in a late letter to your Lordps. from H.M. Lieutent. Governor, which he has been pleased to communicate to us. Such a bill as is proposed, must in a great measure discourage all the Trade and Navigation of all H.M. subjects on the Continent, and prove the ruin of many families, who now subsist comfortably by the sale of their provisions to the merchants trading to the West Indies. For, 1st, tho' the bill as it was last prepared lays no restraint on the carrying provisions to the forreign Plantations, yet the prohibiting the importation of rum, sugar or molasses from thence, doth as effectually restrain that trade, as if provisions had been particularly mentioned : since those foreign Plantans, afford no other returns than such as by this bill are entirely forbid to be brought thither. (ii) Much of the land now possess'd on the Continent, is unfit for the production of any commodities that are suitable for the British market, and yet are very proper for pasturage and Indian corn : It seems therefore extremely hard to take from the possessors of such lands the means of their subsistence, by restraining the export of their commodities only to H.M. Sugar Colonies, which cannot consume one half of the provisions which the people on the Continent can well spare. (iii) As the Sugar Colonies have been constantly supplied with provisions, lumber and horses, and may be so still at a reasonable price, and very often for less than those commodities cost at the place of their first purchase, can it be reasonable to hinder the British subjects on the Continent from disposing of their commodities elsewhere, when the Sugar Colonies are overstock'd and have no need of them ? (iv) If by the bill proposed the British Sugar Islands are to have a monopoly of all the lumber and provisions exported from the Continent, and the people there only to be supplied with rum, sugar, and molasses from the said British Islands, the consequence is very apparent : They will have it in their power to exact what prices they please for their own commodities, and to depretiate those on the Continent : besides enhancing the price of sugars sold to the British merchts. trading to those Sugar Islands. For since at this time sugar and

1732.

[24]

rum are at a very extravagant rate in all the British Sugar Islands, it is easy to conceive that the prices must be considerably increased, when all supplies from the foreign Plantations shall be prohibited. Lastly, we are humbly of opinion that if the proposed bill should pass as it was prepared last Session of Parliament, it would no wise distress the French or Dutch settlements: because those foreign Colonies would still be supplied with lumber, horses and provisions from H.M. Sugar Plantations: and there seems to be a door left open for such kind of commerce, as that bill was then framed. For the penalties are only on the British and Plantation vessels, and masters carrying horses or lumber to the foreign Colonies, but no provision made for the punishment of such as shall furnish those prohibited commodities to foreign vessels hovering upon the coasts of the British Sugar Islands: And since it is well known that the Island of Barbadoes lyes so near to Martinico and St. Lucia and the Leeward Islands contiguous to Guardaloupe and other French settlements, and to the Dutch Islands of Saba and Eustatia, sloops or other vessels from either of those foreign islands may in one night's time take in and safely land in their own ports both horses and lumber without the danger of seizure by any of the Officers of H.M. Customs: and in the same manner may the sugar and molasses of foreign islands be clandestinely run into H.M. Sugar Colonies, and when mix'd with their own native product can scarce be distinguished the one from the other, nor liable to condemnation where no evidences are to be found but negros: So that the people of the Continent will still be furnished with foreign sugars and molasses, but at double the price they now have it. Upon the whole, we humbly submit to your Lordships whether it is fit altogether to prohibit a trade which encourages the sealing of lands that without it would remain as a desert, which employe so many of the British subjects in the Northern Colonies and the Island of Bermuda, in transporting the produce of the labour of many of our inhabitants, and often affords such returns as enables them to purchase negros for enlarging our tobacco manufacture: which furnishes our neighbours who have few native commodities of their own, with beneficial remittances to Great Britain: and withall encreases the export of the British Sugar Colonies to their Mother Country for the supply of the European markets at the same time that it lessens that of the foreign Sugar Islands. We are far from desiring a licence to transport to the foreign Plantations any of the commodities already prohibited by the Acts of Trade, nor any other whatsoever prejudicial to the Trade and Manufacture of our Mother Country: But as for all other products of our labour which no way interfere with the British trade, and which neither the people of the Continent have occasion for, nor the British Sugar Colonies can possibly use, such as, all kinds of provisions and lumber, and even horses too (when neither the one can employ nor the other desire to purchase them) it is humbly hoped H.M. subjects on the Continent shall still be allowed the liberty of sending them to such markets where they

1732. [24]

are most vendible ; especially when it is considered that whatever is gained by this commerce must at last centre in Great Britain, or be laid out in the purchase of British commodities.

It remains that we humbly offer to your Lordships some few considerations in relation to the vote of the Honble. House of Commons of the 5th of May last, for laying before that House a state of H.M. Colonies in America, with respect to their laws, manufactures and trade, which may affect the Trade, Navigation and Manufacture of Great Britain. And herein, permit us to inform your Lordships, that nothing but inevitable necessity will ever induce the people of this Colony to go upon any kind of manufactures interfering with those of their Mother Country. When tobacco bears but a moderate price, every planter can be supplied with all the necessaries he wants, out of the produce of his crops, at much easier rates than he can furnish himself by any home manufacture : But the price of tobacco having been continually declining for divers years past, it is not to be admired, if many poor people no longer able to gain cloathing for their familys, by their crops, have tried to raise cotton and flax, and to make a kind of coarse cloth and linnen wherewith to supply the wants of their indigent familys. This is a shift they have often been put to upon the like occasion, and will, no doubt, have the same duration as it had then : for no sooner did tobacco begin to rise in value, than all these new fangled manufactures vanished : and the land which before had been used for cotton and flax, immediatly converted into tobacco grounds ; and so it will again, whenever we shall be so happy as to see our staple commodity rise to its former value. This is the only kind of manufacture at present in this Colony ; and the principal means to divert the people from it, is, as has been said before, to advance the credit and value of our staple ; towards which a very good law pass'd last Session of Assembly, and is now ready to be put in execution : and if that has not the effect which is hoped for, we know no other way of enabling the people to subsist, than by some abatement of the high duties on tobacco, which are at present very burthensome both to the merchant and planter. In the mean time it is impossible to propose any means to prevent people's endeavouring to cloath themselves, when they have nothing to purchase the same ; and no choice, but to make it themselves, or go naked, a condition which we are persuaded His Majesty would not wish the worst of his subjects to be reduced to. As to new trades set up here, we know of none, except four iron works now employed in the runing of pig iron, which is all exported to England, there being no attempts hitherto made towards setting up forges for making it into bars ; nor if it were, is there any probability of it's being manufactured into any utensils, which cannot be had at a much cheaper rate from Great Britain. Besides these, there are now some copper mines lately discovered, not without a probability of success : but these are of so late a date that besides some parcels of ore sent home to England for experiments, little else has hitherto been made of them. These are all the manufactures or trades set up or discovered in this country ; and as we hope the

1732. [24]

one will administer no occasion of jealousy to our Mother Country : so there is no doubt the other may with due encouragement add considerably to its wealth and conveniency. We should not have troubled your Lordships. with so long a representation, had it not been to obviate the misinformations of those who endeavour to acquire advantages to themselves, at the expence of their fellow subjects : and give your Lordships. the best lights we could, in relation to those enquiries, which seem to be intended in the next Session of Parliament. For the rest, we beg leave to referr your Lordships. to what Capt. Isham Randolph shall have the honour to lay before you, in relation to the several matters herein mentioned, who having gone from hence to London fully instructed as to what relates to this Colony, with the trade and circumstances whereof he is perfectly well acquainted ; and withall a gentleman of great probity ; we entreat your Lordships. will be pleased to give him a favourable hearing in all such matters wherein he shall have occasion to apply to your Board. And as it is our unhappiness to have no Representative in the British Parliament, we beseech your Lordships to take us under your protection ; and to lay our case in so favourable a manner before His Majesty, that the loial inhabitants of this British Colony may still continue to enjoy those privileges which have been granted them by the Crown from the time of their first settlement ; and may be indulged the same liberty of trade as heretofore ; and protected in their estates equally with the rest of H.M. subjects. *Signed*, Robert Carter, James Blair, W. Byrd, John Grymes, [?] W. Dandridge, Jno. Custis, William Randolph, Hen. Harrison, Cole Digges, Joh. Robinson, John Carter. *Endorsed*, Recd. 17th, Read 18th Jan., 173 $\frac{1}{2}$. 9 large pp. [C.O. 5, 1322. ff. 194-198, 199 v.]

Jan. 18.
Whitehall.

25. [? *Duke of Newcastle*] to the President of the Council of Barbados. I send you herewith H.M. Order, in pursuance of an agreement made with the Court of France, for the reciprocal evacuation of the Islands of Sta. Lucia, St. Vincents and Dominico. and a duplicate of the French King's Order to the Governor of Martinico for the same purpose. This duplicate coming too late from France to be sent to Mr. Worsley, who was upon his voyage home, they were both intended to have been put into the hands of Mr. Chetwynd his successor in the government of your Island ; but as the ill state of his health has delayed his departure, His Majesty is unwilling that the execution of these orders should be deferred any longer, and has commanded me to transmit them to you, and to signify to you His Majesty's pleasure, that as soon as you have received them, you give notice of it to the Governor of Martinico, and send him the duplicate of his most Christian Majesty's order, which is directed to him, and acquaint him, that you are ready to concert with him the proper measures for putting it in execution ; and as you will observe, that this evacuation, and the abstaining on both sides to touch at those Islands, except it be for wood and water, is to be mutual, you will take care to act in the same manner as the French Officers shall do in this

1732. [25.]
respect; and you will also, in obedience to His Majesty's commands, send me, by the first opportunity, a full and exact account of your proceedings, and those of the French in the execution of these orders, and also inform me, from time to time, how the agreement is observed on both sides for abstaining from the navigation to those islands; that I may lay the same before His Majesty. *Corrected draft.* 2 pp. [C.O. 28, 45. ff. 201, 201 v.] *Annexed.*
25. i. King of France to the Marquis de Champigny, Governor and Lt. General of the French Windward Islands, at Martinique. 26th Dec. (N.S.) 1730. Described in preceding. *French. Copy.* [C.O. 34, 36. pp. 301-306; and (*corrected draft. without enclosure*), 28, 45. ff. 201, 201 v.]
- Jan. 18. **26.** Mr. Popple to Mr. Fane. Encloses, for his opinion in
Whitehall. point of law, four private acts passed in Virginia, 1730 (*enumerated*).
[C.O. 5, 1366. pp. 83.]
- Jan. 18. **27.** Council of Trade and Plantations to the King. Recom-
Whitehall. mend John Taylor Esqr. for the Council of Virginia, in the room
of David Bray, decd. [C.O. 5, 1366. p. 83.]
- [Jan. 19.] **28.** Isham Randolph, Agent for Virginia, to the Council of
Trade and Plantations. Insists on the several observations and
reasons already offered by the Northern Colonies to the prohibition
desired by the Sugar Islands, so far as the same are applicable to
Virginia. *Refers* to Lt. Governor Gooch's letter and other papers
(*v.* C.S.P. Sept. 8 and Nov. 5, 1731), to show how prejudicially
such prohibition must affect that very considerable Colony, and
prays the Board not to report in favour of it. *Endorsed.* Recd.,
Read 19th Jan., 173 $\frac{1}{2}$. *Without date or signature.* $\frac{3}{4}$ p. [C.O.
5, 1322. ff. 214, 215 v.]
- Jan. 19. **29.** Order of King in Council. Referring following to the
St. James's. Council of Trade and Plantations for their report. *Signed*,
W. Sharpe. *Endorsed*, Recd., Read 21st Jan., 173 $\frac{1}{2}$. 1 p.
Enclosed.
29. i. Petition of the Planters, Merchants and Traders to the
Island of Jamaica. Great sums of money are annually
carried out of this Nation for the purchase of coffee *etc.*
By late experiments made at Jamaica and divers other
of H.M. Sugar Colonies it appears that both the soil and
climate of those countries are very apt and fit for raising
that commodity in quantitys not only sufficient for our
home use, but also for supplying European foreign
markets, and in case equal encouragements were given
to British planters *etc.* as are given to encourage the
planting of hemp and flax in H.M. Northern Colonies.
either by a bounty on inportation or by an abatement of
excise after importation *etc.*, there is no reason to doubt
but that great numbers of coffee plantations would be

1732. [29. i]

immediately begun upon, and successfully carried on, and that without any the least prejudice to our Sugar Plantations *etc.* For the planting of coffee will be chiefly carried on by the midling sort of people, who are not able to bear the great expence necessary for erecting and carrying on a sugar plantation, or for raising of indigo, cotton and ginger, but also will be easily capable of making and carrying on plantations of coffee as being a commodity that may be planted at a very easy and small expence, two negroes being sufficient to make a beginning, and the same would be chiefly made upon such ground as is at present of little or no use, and no ways employed in the producing of either sugar, indigo, cotton or ginger, of which vacant ground there are very large quantitys in Jamaica; and your petitioners upon this account submit whether the encouraging coffee plantations is not the most likely way to promote the settling of Jamaica in a very few years, which will be the effectual means of destroying the rebellious negroes, who have been, and are the cause of so great a charge and expence to the Nation and Island *etc.* *Hope for* H.M. countenance and encouragement, "more especially when it is considered that for these ten years past there hath been a very considerable progress made in this commodity both by the Dutch at Surinam, and the French in their Sugar Colonies." *Continue*: By H.M. encouragement, his Sugar Colonies will in a short time produce such quantitys of coffee as will not only save to the Nation the export of above £100,000 pr. ann. which we annually pay to foreigners, but will be able to furnish them *etc.* *Signed*, J. Ayscough, Harrison Townsend, John Totterdell, Jno. Gibbon and 40 others. *Copy.* 3 pp. [C.O. 137, 19. ff. 98, 99–100, 101 v.]

Jan. 19. **30.** Order of King in Council. Approving estimate for stores of war for St. Christophers and ordering their dispatch (v. 23rd Dec., 1731, and A.P.C. III. No. 255). *Signed*, W. Sharpe. *Endorsed*, Reed. 15th Aug., Read 7th Sept., 1732. 1½ pp. *Enclosed*,

30. i. Estimate by the Board of Ordnance of charge of ordnance and stores required for St. Christophers, 23rd Dec., 1731. *In detail.* Total cost, including freight, £3931 11s. 11d. 2 pp. [C.O. 152, 19. ff. 137–138 v., 142 v.]

Jan. 19. **31.** Mr. Yeamans to [? Mr. Popple]. Encloses following: "The copie has committed some blunders wch. occasions a few blots in the paper wch. I hope will be excus'd." *Signed*, John Yeamans. *Endorsed*, Reed. 26th Jan., Read 2nd Feb., 173½. ¾ p. *Enclosed*,

31. i. Mr. Yeamans to the Council of Trade and Plantations. Reply offered in behalf of the Leeward Islands and

1732. [31. i]

Jamaica to a paper intituled *Some short Observations on and reasons in answer to the three Representations from the Assemblies of Barbadoes, Antigua and St. Christophers etc. Abstract.* The Northern Colonies have not been in the like degree of advantage to Great Britain, from its trade and navigation, as the Leeward Islands and Jamaica. Virginia, Carolina and Maryland are little concerned in this dispute, chiefly concerning themselves in planting tobacco and naval stores *etc.* In this paper it is admitted that New England *etc.* supply Virginia with rum. The admitting that *the ballance of trade between Great Britain and the Sugar Islands is in favor of the Sugar Islands, but that between Great Brittain and the Northern Colonies it is in favor of Great Brittain,* is, if fully considered, the strongest argument. than can possibly be brought in favour of the Sugar Colonies against the Northern Colonies, and entirely overthrows what is advanced in this paper, that *the Sugar Islands stand not in any degree of competition for advantage with the Northern Colonies.* This would have been a right method of arguing were the Sugar and the Northern Colonies forreign countries *etc.*, but as they are intirely dependant upon Great Brittain, or ought to be, and as all that the Sugar Islands produce more in value annually than they take from their Mother Country, is not paid to any forreign country, but expended in this kingdom, or laid up in it, it is so far from being an argument in favour of the Northern Colonies, that by so much as the ballance of the trade between the Sugar Islands is in favour of the Sugar Islands, more than the ballance of the trade between the Northern Colonies and Great Brittain, is in favour of the Northern Colonies, there is so much more advantage to Great Brittain by the one than the other. If is further advanced that in *the exportation from hence of our British manufactures the exports to Barbados and the Leeward Islands bear no manner of proportion on the exports to the Northern Colonies;* This may be true; but it is not the right state of the question; for that is, whether the exports to Jamaica, Barbadoes and the Leeward Islands, or to New England, New York, and Pensilvania are the most considerable; and it appeared by the valuation of the reports for the 5 last years the valuation has been made up to, that the exports were near double to the Sugar Islands to what they were to these Provinces; But however the contrary to this is insinuated in this paper it is well judged to admit, *that only the Tobacco and Rice Plantations require negroes of all the Northern Colonies.* If the reports are greater to the Sugar Islands, then it will follow that it is not a fact that *the Northern Colonies are the occasion of imploying a far greater number of tradesmen in Great Brittain etc.*; This and as the

1732. [31. i]

importations from the Sugar Islands are more than ten times the value of the importations from New England, New York and Pensilvania, it must be far from the fact that *the number of ships and sailors employed by these provinces exceed those employed by the Sugar Islands etc.* The interest of the Sugar Islands and the interest of the Northern Colonies is equally the concern of Great Britain, and they are equally united in interest; but the advantages which may be made to arise from the one, can never arise from the other, unless they are restrained from setting up manufactures interfering with the manufacturys of their Mother Country and in carrying on trades injurious to the trade of this Kingdom, and only employ their hands in producing commodities not interfering with the commodities which are of the growth and manufactory of Great Britain (except provisions and other necessarys to supply themselves, the Sugar Islands, the Azores or Western Islands, and Spain and Portugal). There can never arise any such apprehension from the Sugar Islands (as is even admitted *may arise from the Northern Colonies by having unreasonable restrictions laid on the trade they now carry on*) tho' they were laid under never so great a restraint of making manufactures which may interfere with the manufactures of Great Britain. *Argues* that the improvement of the French settlements is due to their trade with the Northern Colonies and cannot be imputed to the Barbadians prohibiting the importation of French sugar into that island and thereby drove them to the foreign markets, as is suggested. Nor would prohibition of the trade with the Northern Colonies lead them to find horses and lumber elsewhere or to manufacture their molasses into rum, for they would find no market for it *etc.* That trade is unquestionably contrary to the Treaty of Peace and Neutrality with France. Its prohibition would not, as alledged, be of the most fatal consequence to the Northern Colonies, for even if they should want a vent for their lumber and provisions by the British Sugar Islands not taking from them the same quantity as the French and Dutch now do, yet their land now employed in this trade may be much more beneficially employed as well for themselves as their mother country by the planting of hemp, flax *etc.* and producing pitch and tar. And there is no doubt but that the Sugar Colonies are able not only to supply the Northern Colonies with rum and molasses necessary for their own occasion but to furnish the Newfoundland Fishery, since by a prohibition of this trade it is reasonable to conclude greater quantities of rum would be made and molasses produced in our Sugar Islands, (not by lessening the quantity of sugar, as is ridiculously suggested, but by improving more land),

1732. [31. i.]

and much less quantities imported into this Kingdom in prejudice to our sugar refining houses, and the malt and other spirits distilled in Great Britain with which the Fishery at Newfoundland may at all times be easily supplied directly from this Kingdom as formerly *etc.* Nor would this prohibition oblige the Northern Colonies to sell their lumber and provisions to the Sugar Islands in exchange for rum and sugar at their own rates. It may indeed be a great prejudice to the *distilleries erected in the Northern Colonies*, but can never make the Northern Colonies any more than they are at present *entirely dependent on the Sugar Islands nor disable them from paying for their British manufactures.* The Northern Colonies will not then no more than now deal with the Sugar Islands to certain loss *etc.*; but both parties will receive reciprocal advantages by trading one with the other *etc.* To suppose that such prohibition *will greatly diminish the consumption of the British woollen manufactures and the shipping and navigation of their kingdom etc. and a vast rise in the price of rum and sugar etc. and throw the whole foreign sugar trade into the hands of the French and Dutch etc.*, is not only entirely without foundation but contrary to the aim and intention of all who are attempting it *etc.* 8 large pp.

31. ii. Computation of charge in making and sending to Great Britain a cask of muscovada sugar of 1300 lb. of neat sugar. Duty $4\frac{1}{2}$ p. ent. 5s. sterling; cash. 12s.; custom, 3s. 4d., after allowing for waste, £1 15s.; freight at 3s. 6d., £1 16s. 9d.; insurance 4s.; petty charges and factor's commission, 12s.; = £5 5s. 0d. Charge of negroes in making same, £4 = £9 5s. 0d. (rum and molasses paying for the charges of cattle, mills, stills, copper and utensils). Sugar sold at 21s. = £11 0s. 6d. Showing gain of planter in a hogshead of sugar = £1 15s. 6d. In addition to above duties to the Crown, the molasses produced by refining produce 50 gallons of spirits, which pay 12d. pr. gall. excise = £2 10s. 0d. Thus the hogshead pays the planter £1 15s. 6d., and the Crown £4 10s. 0d. Every shilling sugar lowers in price falls on the planter and amounts to 10s. per hd. If it falls anything from what it is at present, the planter cannot long maintain his plantation. 1 large p. [C.O. 152, 19. ff. 104, 105-109, 110 v.]

Jan. 20.

32. Mr. Randolph to the Council of Trade and Plantations. Some observations on the case of the merchants of London *etc.* The first instance alledged as to Virginia is a complaint against the Legislature for observing the royal Instructions *etc.*, for it is a positive instruction from the Crown that no act shall be passed by any Plantation Legislature which the Crown have once repealed *etc.* As to the several acts mentioned, *requests* to be

1732. [32]

allowed time to look into them *etc.* *Signed*, Isham Randolph. *Endorsed*, Recd. Read 20th Jan., 1731½. $\frac{3}{4}$ p. [*C.O.* 5, 1322. ff. 216, 217 v.]

Jan. 20.
Whitehall.

33. Mr. Popple to Mr. Scrope. In reply to Jan. 13th, encloses copy of a case tried at Boston, 9th May, 1730, and of the act of appeal thereupon to the High Court of Admiralty. [*C.O.* 5, 917. p. 31.]

Jan. 21.
Whitehall.

34. Council of Trade and Plantations to the Lords of the Committee of H.M. Privy Council. In pursuance of your Lordships order of 23rd Nov. last, we have considered the petitions of Patrick Blake *etc.* and the acts of St. Christophers, 1712 and 1718. *for selling the estates and titles etc.* and *for the general quiet of the inhabitants etc.* We have likewise been attended by the petitioners and by some persons on the part of the island *etc.* *Represent*, that in 1712 the first mentioned act was passed at St. Christophers in order to quiet the inhabitants in their possessions *etc.*, and to prevent the vexatious law-suits and disputes to which they might be liable for want of the proper deeds and conveyances of their estates, which have been lost either during the time of the hurricanes and fires with which that island had been visited, or whilst it was conquered and in the possession of a foreign enemy. But when the said act came to be taken into consideration at this Board, it was referred to Sir E. Northey *etc.* Refer to his objections and the letter of the Board of 3rd March, 1718 (*v. C.S.P. under date*). *Continue* : In consequence of which the Assembly did pass the act of 1718 *etc.* Repeat representation of 24th April, 1724 to his late Majesty, that the act of 1718 should be confirmed, "which in our humble opinion is highly reasonable for quieting the possessions of H.M. faithful subjects in St. Christophers, and in case H.M. shall comply with our opinion, we would afterwards propose *etc.* that the act of 1712 be repealed, as being an act for the same purpose with that of 1718, but liable to several objections." [*C.O.* 153, 15. pp. 126-128.]

Jan. 21.
Whitehall.

35. Council of Trade and Plantations to the Duke of Newcastle. Your Grace will perceive by the papers which we take leave to annex hereto, (*from Lt. Gov. Gordon and President Rip Van Dam, v. No. 41*) the encroachments the French are now making on H.M. Colony of New York, and the danger the trade and security of that Province will be exposed to thereby, if no measures should be taken to prevent their further progress, wherefore we must desire your Grace will please to lay this matter before H.M. and receive his orders thereupon as a thing of very great consequence to the British interest in America. [*C.O.* 5, 1125. ff. 180.]

Jan. 21.
Whitehall.

36. *Same* to the King. *Report* in obedience to Order of 12th Aug. *etc.* We have discoursed with the petitioners who in support of their complaint have laid before us, some particular cases and facts that have hapned in the Plantations, and have also taken notice of several laws now in force in some of your Majesty's

1732.

[36]

Colonies in America, wherein they conceive great partialities have been enacted in favour of the inhabitants of the respective Colonies, where those laws passed. With respect to the recovery of debts due to persons in Great Britain, from those who reside in the Plantations, we conceive suitors lie under difficulties, both as to the manner of making legal proof of their debts in the Courts of Justice in the several Colonies and likewise as to the execution of the law after a verdict has been obtained in favour of the plaintiff. The first of these grievances arises from the expence and difficulty of sending proper persons from Great Britain to give personal evidence in the Courts of Justice in the Plantations, which certainly ought to be redressed, and in our humble opinion, when any person residing in this Kingdom shall commence a suit in any Court of Justice throughout your Majesty's Colonies in America, and shall transmit to his Attorney, the necessary accounts and vouchers for proof of his debt verified upon oath before a proper magistrate and attested in due form by a Notary Publick, or by an Instrument in writing under the Corporation Seal of the City, Burrough, or Town Corporate where the same shall be taken, the said affidavits ought to be received, and have the same force and validity for proof of the said debt, which the oath of the person deposing would have had, if he had given the same evidence viva voce in the said Court. The difficulty of attending the execution of the law after a verdict hath been obtained in favour of the plaintiff, consists in a privilege, claimed by some of the Colonies, particularly that of Jamaica, to exempt their houses, lands and tenements, and in some places their negroes also, from being extended for debt : But we conceive it to be highly reasonable that all lands, tenements, hereditaments and negroes, throughout the several Colonies and Plantations, should be made as liable to the payment of just debts and demands as lands, tenements, and hereditaments in Great Britain are under the like circumstances. These two last mentioned grievances have been more than once recommended to the Governors of Virginia and Jamaica for redress ; but the Assemblies of those Colonies could never be induced to divest themselves of these privileges by an act of their own ; and therefore in our humble opinion, these points may be very proper objects for a Parliamentary consideration in Great Britain, as they are of importance to your Majesty's subjects trading to America. As to the laws cited by the petitioners, wherein they conceive the British merchants are treated with inequality, we beg leave to acquaint your Majesty, that some of them have never been complained of before, and are of very ancient standing, having been enacted in the infancy of the several Colonies, when it might be necessary to give the inhabitants some particular encouragements, in order to encrease their numbers, which was the point most essential to their prosperity. But with respect to acts of later date, such as have fallen under our notice, we have never failed, upon complaint to represent against those that have appeared to us to be prejudicial to the trading interest of Great Britain ; and so soon as we shall have thoroughly considered the nature and tendency of

1732. [36]

the several laws complained of by the petitioners, we shall lay such of them as shall be found justly liable to objection before your Majesty for your disapprobation, and in the mean time, we would humbly propose, that all the Governors of your Majesty's Colonies, should be strictly forbid, upon pain of your Majesty's highest displeasure, to give their assent for the future, to any laws wherein the natives or inhabitants of the respective Colonies under their Government are put on a more advantageous footing than those of Great Britain, and that the said Governors, should be directed to pay due obedience to your Majesty's royal Instructions whereby you have been graciously pleased to forbid them to pass any laws by which the Trade or Navigation of this Kingdom may be any ways affected. [C.O. 324, 11. pp. 248-253.]

Jan. 24.
London.

37. Governor Philipps to the Council of Trade and Plantations. I send my Secretary to wait on you with my answer to your Lordships' queries which were ready to have been transmitted by ye first ship bound home last spring; but haveing at that time receiv'd orders for my return to England, determin'd me to put it up with ye rest of my papers and baggage, which did not arrive till within these few days, *etc.* Signed, R. Philipps. Endorsed, Recd. 24th Jan., Read 23rd Feb., 173 $\frac{1}{2}$. 1 p. Enclosed,

37. i. An account of the scituation commerce *etc.* of the Province of Nova Scotia in America in answer to several Queries propos'd by the Lords Commissioners for Trade and Plantations. (i) The scituation of ye Province is between ye 43rd and 49th degrees of North Latitude and 59 degrees West from London *etc.*; the climate is mostly temperate, that part of ye soil that has been cultivated is found to be fertile *etc.* There are a few settlements about the Bay of Fundy *etc.* (ii) The reputed boundaries are from Kennebeck River to Cape Rozlers, north and south, and from ye Islands of Canso to ye South side of ye River St. Lawrence, east and west, but haveing never been settled, the French disputed ye Islands of Canso and other places on ye one side of ye Province, and ye people of New England a tract of country now call'd Georgia on ye other side. (iii) The present constitution of the Government, is ye Governor and Council. (iv) The trade of this Province is carry'd on with shipping, from Great Brittain and New England which import Brittish manufactures and export in return cod fish, furs and grain. No shipping properly belong to this Province, the increase in respect to ye fishery is very considerable, as to ye other mentioned commodities no great augmentation. (v) The sorts of British manufactures consumed *etc.* are cheiffy red and blew strouds, kerseys and strips of several kinds, and linnens imported from Great Brittain. There may be annually consum'd of all these to ye value of about £10,000 ster., the severall species and quantities whereof may best be seen in ye Custom house books. (vi) This

1732. [37. i]

province hath no trade with any foreign plantation but Cape Breton for a little corn and a few live cattle which is paid for by the French there, in their silver coin. And their trade to Europe is dry cod fish which is cur'd at Canso, amounting to ye quantity of 50 or 60,000 quintalls annually, which is exported to Spain, Portugall and Streights in ships belonging to Great Britain and New England. (vii) By the usuall methods of officers of ye Customs, which have been found effectuall for that end. (viii) No other produce of commodities than what hath been mention'd in ye 4th article, the exports. communibus annis, may be computed to about 60 or £70,000 sterling in value. (ix) There can be no certain account given of ye mines, from ye few settlemts. made as yett in this country but by severall marks, those that are known are one of copper and one of sea coal both lying towards the upper end of the Bay of Fundy, the first whereof hath never been open'd, the other is difficult of access notwithstanding a chance vessell hath now and then loaded there, there are at this time some persons about making a tryal whether they can digg ye coal and load vessells there and if found practicable intend to apply to the Government for leave to export it to New England. (x) The inhabitants here are for ye most part French, computed to about eight hundred families, no blacks, few English inhabitants besides ye garrisons. (xi) The French inhabitants are increas'd near one half within these ten years; the few English are rather decreas'd, for want of power in ye Governmt. of makeing grants of lands. (xii) No Militia established, the French inhabitants being all Papists. (xiii) There is no other fort or place of defence within this Government, besides Annapolis Royall and that in a bad condition. There are troops posted at Canso for the protection of that important fishery, who are as yett without any fort, magazine for provisions, or place of defence either against ye weather or enemy. (xiv) The Indians (seated within the bounds allotted for this Province in ye first Article) consist of many tribes for the most part inclin'd to ye French interest and may when joyned together make about five hundred fighting men. (xv) The neighbouring Indians seated without ye bounds of this Government are said to consist of many nations, who send assistance to those seated within this Government when in warr with the English. (xvi) The neighbouring Europeans are French, settled in Canada and the Island of Cape Breton. Their strength in Canada consists of severall strong fortifications, well garrison'd with regular troops, besides a body of militia said to amount to ten thousand men. And their strength on the Island of Cape Breton is no less formidable in particular ye harbour and settlement call'd Lewisbourg which is made

1732. [37. i]

almost impregnable by a strong cittadell. and severall forts and batterys well mounted with cannon. Their regular troops consist of six hundred men and their militia a thousand at least. (xvii) The French settled in Canada by their scituation on ye back of New York. New England and this province, and the good correspondance they hold with ye Indian nations, may and do disturb the tranquility and trade of these Governments. whenever they find it to be their interest ; but particularly the French Settlers at Cape Breton. by reason of their near neighbourhood to ye province of Nova Scotia or their influence on ye inhabitants being of ye same nation and religion with them ; will be able to render their Oath of Allegiance taken to ye Crown of Great Brittain of little effect and in case of a rupture at any time between ye two Crowns may easily make themselves Masters of that Province in a few hours. (xviii) The whole revenue of this Government, in it's present situation, doth not amount to above thirty pounds sterling which arises from a quintell of cod fish or ye value thereof paid yearly by every proprietor of a fishing room at Canso. (xix) 1st the ordinary or extraordinary expenses of ye Governmt. are ye continuall repairs of ye Fort of Annapolis Royall, and ye butts and lodgements for ye Garrison at Canso, which post hath never yett been taken under ye cognizance of ye Board of Ordnance. 2ndly Allowance to civil officers as are mention'd in ye next Article, who have serv'd hitherto without any such provision. 3rdly The maintenance of a vessell with a master and six sailers for ye necessary services of ye Government. 4thly Presents and supplying of Indians, who never fail twice a year to come to ye Governour under pretence of renewing ye peace, and expect to be dismiss'd with presents. 5thly The expense of messengers and interpreters for getting intelligence etc. All which expenses are advanc'd by ye Governour, who hath no other fund for those purposes, but ye abovemention'd thirty pounds. (xx) The Civill establishment consists of Governour, Lt. Governour and Council, the first by H.M. Patent under ye Great Seal of Great Britain, ye second by H.M. Commission, and the third by appointment of ye Governor in Chief in virtue of his power by ye sd. Patent, a sherriff, Justices of ye Peace and constables by the same power and appointment. And a Court of Vice Admiralty. The military establishment made for ye Province upon forming of ye Government consisted as follows, vizt. A Governor of ye Fort of Annapolis Royall. A Lt. Governor ditto. A Fort Major. A Chaplain etc. and five Companies of Col. Philipps's regiment with their proper officers. Afterwards upon ye demolishing ye works at Placentia and

1732. [37. i]

reducing that fortification and erecting a new one to contain one Company only, it was thought proper to remove ye other four that were there, to take post at Canso, where they remain at this time, so that ye whole military force now in Nova Scotia consists of nine Companies of ye regiment afores'd amounting to 324 men exclusive of officers. *Signed*, R. Philipps. 5½ large pp. [C.O. 217. 6. ff. 86, 87-89 v., 91 v.]

Jan. 27.
St. James's.

38. Order of King in Council. Confirming 17 Acts of The Massachusetts Bay; (i) *empowering Commissioners to determine the bounds with N. Hampshire etc.*; (ii) *in addition to the act for the settlement of the estates of intestates*; (iii) *for explanation of and supplement to the Act referring to the poor*; (iv) *for regulating the soldiers*; (v) *to prevent deceit in the gauge of cash*; (vi) *to prevent frauds in muster-rolls*; (vii) *to prevent unnecessary law suits*; (viii) *for erecting a county to be called the county of Worcester etc.*; (ix) *for naturalizing Protestants of foreign nations etc.*; (x) *in addition to the act encouraging the killing of wolves etc.*; (xi) *for encouraging the raising of hemp etc.*; (xii) *empowering Courts to adjourn and remove from the towns appointed etc. in case of sickness by the small pox*; (xiii) *for the relief of and to prevent the oppression of debtors*; (xiv) *for dividing the town of Taunton and erecting a new town there by the name of Raynham*; (xv) *for payment of the members of H.M. Council and the Representatives from Oct. last etc.*; (xvi) *for supplying the Treasury with £6000*; (xvii) *in further addition to the act for the due regulation of weights and measures etc.* *Signed*, W. Sharpe. *Endorsed*, Recd. 15th Aug., Read 7th Sept., 1732. 3 pp. [C.O. 5, 874. ff. 138-139 v.]

Jan. 27.
St. James's.

39. Order of King in Council. Approving report of Committee upon petition of John Yeamans, that the Additional Instruction, relating to the holding of a Court of Chancery in Antigua, directed to be prepared 12th Aug. last for Col. Cosby, may now be sent over to the Commander in Chief, with directions to carry the same into immediate execution *etc.* *Signed*, W. Sharpe. *Endorsed*, Recd. 15th Aug., Read 7th Sept., 1732. 2 pp. [C.O. 152, 19. ff. 131, 131 v., 136 v.; and 324, 36. pp. 308-310.]

Jan. 27.
St. James's.

40. H.M. Additional Instruction to Michael Smith, Commander in Chief of the Leeward Islands, the Act of Antigua, 1728, relating to the Court of Chancery having been repealed, *etc.* (v. Aug. 12, 1731. A.P.C. III, pp. 322-6), to prevent any delays or inconveniencys to Our subjects in the prosecuting their rights in Chancery by reason of the absence of the Commander in Chief for the time being from Antigua, you are to recommend to the Council and Assembly the passing of an Act to repeal so much of the act passed in 1715 or any other which may restrain the power of Us *etc.* from appointing who shall preside in the said Court. So soon as they shall have passed an act in compliance, "You shall cause Our will and pleasure to be signified to them, and to

1732. [40]

be entered upon the Journal of Our Council, that Our Capt. General or Commander in Chief *etc.* during his residence in Antigua *etc.* shall preside in Our said Court of Chancery there, that in his absence from the said Island, the Lt. General of the said Islands for the time being shall preside, and in the absence of [*them*] both *etc.*, the Lt. Governor of the said Island *etc.*, and that each of them respectively during the time they shall so preside shall and may execute all the powers and authorities belonging to that office according to the laws of that Our said Island. *Signed*, G.R. *Copy*. [*C.O.* 324, 36. *pp.* 311–313.]

Jan. 27.
Whitehall.

41. Council of Trade and Plantations to the Duke of Newcastle. Your Grace will perceive by the papers which we take leave to annex hereto, the enroachments the French are now making on H.M. Colony of New York, and the danger the trade and security of that Province will be expos'd to thereby, if no measures should be taken to prevent their further progress. Wherefore we must desire your Grace will please to lay this matter before H.M., and receive his orders thereupon, as a thing of very great consequence to the British interest in America. *Autograph signatures*. 1 *p.* *Enclosed*,

41. i. Extract of letter from President Rip Van Dam to the Council of Trade, Nov. 2, 1731. 2 *pp.*

41. ii. Copy of letter from Lt. Gov. Gordon, Nov. 10, 1731, *q.v.* 3 *pp.*

41. iii. Copy of letter from President Rip Van Dam, to Lt. Gov. Gordon. Oct. 9, 1731. 1 *p.*

41. iv. Copy of letter from Commission for Indian Affairs to President Rip Van Dam, Sept. 25, 1731. 1 *p.*

41. v. Copy of Minute of proceedings of Commissioners for Indian Affairs, Sept. 25, 1731. 1 *p.*

41. vi. Copy of Journal of Assembly, New York, Sept. 30, 1731, Resolved upon information in preceding that the French with about 80 men had built a fort and house at Crown Point on the South end of Corlaer's Lake *etc.*, and designed next spring to go up with 200 men to Tiederondequat, on the S. side of Caderachui Lake, above Oswego, to stop the English trade at Oswego, *etc.*, that the President be addressed to represent the enroachments of the French *etc.* to H.M. for relief *etc.* 2 *pp.*

41. vii. Copy of examination of Jonah Davenport, Indian trader, taken before the Lt. Gov. of Pennsylvania. Oct. 29, 1731. 2 *pp.* [*C.O.* 5, 1086. *ff.* 38, 39, 39 *v.*, 41–42, 43, 44, 45, 46–47 *v.*]

Jan. 27.
St. James's.

42. Order of King in Council. Referring following, received from the Agent of the Massachusetts Bay to the Council of Trade and Plantations for their report thereupon. *Signed*, W. Sharpe. *Endorsed*, Reed. 31st March, Read 4th April, 1732. $\frac{3}{4}$ *p.* *Enclosed*,

1732.

42. i. Six Acts of the Massachusetts Bay, 1731. (i) *granting* £5,400 *towards the support of H.M. Governor*; (ii) *in addition to an act directing the admission of town inhabitants*; (iii) *for allowing necessary supplies to the Eastern and Western Indians and for regulating trade with them*; (iv) *making more effectual provision for the calling of precinct or parish meetings*; (v) *for supplying the Treasury with £5,400*; (vi) *to subject the unimproved lands belonging to non-resident proprietors to be sold for payment of taxes or assessments levied by order of the General Court etc. True copies, Signed, J. Belcher, J. Willard. 1½ pp. and 6 printed pp. [C.O. 5, 874. ff. 51, 52-55 r., 57 r.]*

Jan. 27.
St. James's. **43.** Order of King in Council. Approving draught of Charter for Colony of Georgia, and ordering warrant to be prepared for H.M. royal signature for passing the same under the Great Seal *etc. Signed, W. Sharpe. Endorsed, Recd., 15th Aug., Read 7th Sept., 1732. Copy. 1½ pp. [C.O. 5, 362. ff. 91, 91 r., 94 r.; and 5, 21. f. 15.]*

Jan. 28.
Whitehall. **44.** Council of Trade and Plantations to the King. Representations of a petition referred 19th Jan. *Continue*: In all probability, great advantage may be derived from the growth of coffee in your Majesty's Sugar Islands and particularly in Jamaica, as well with regard to the peopling that important Island, as the good effect which it may have in time upon the general commerce of this Kingdom, by supplying your Majesty's subjects with coffee, both for their home consumption and for exportation to other European markets, whereby large sums will be annually saved to Great Britain, which she is at present obliged to remit to foreign countries for the purchase of this commodity. We are therefore humbly of opinion, that all reasonable encouragement should be given to the petitioners for promoting so usefull an undertaking. [C.O. 138, 17. pp. 355, 356.]

Jan. 29.
Whitehall. **45.** Mr. Popple to Lord Baltimore. Refers to the Board's Queries as to laws, manufactures and trade affecting Great Britain *etc. Continues*: Observing by some late newspapers in an article from Maryland, that your Lordp's. Deputy Govr. had received answers to those Queries from the Assembly *etc. requests* a copy if received. [C.O. 5, 1294. p. 45.]

Jan. 29.
Whitehall. **46.** Duke of Newcastle to the Council of Trade and Plantations. Encloses following. *Concludes*: It is H.M. pleasure, that you accordingly lay before them the papers desired *etc. Signed, Holles Newcastle. Endorsed, Recd. Read 3rd Feb., 173½. 1 p. Enclosed,*

46. i. Resolution of the House of Commons, Jan. 28, 1731 2 that an humble Address be presented to H.M. that *etc.* the Commissioner of Trade *etc.* lay before this House copies of all papers *etc.* which have been laid before them

1732. [46. i]

since the last Session of Parliament, relating to the dispute between H.M. Sugar Colonies, and Northern Colonies in America etc. *Signed*, N. Hardinge. (Cl. Dom. Com. *Copy*. 1 p. [C.O. 28. 22. ff. 150, 151. 153 v.]

Jan. 30.
Nevis.

47. Michael Smith, Commander in Chief of the Leeward Islands, to the Council of Trade and Plantations. *Reply to Queries of June 10, 1731.* I have taken particular care since I have been honour with the administration of this Government, to pass no laws nor suffer any manufactures to be set up, which may effect the trade of Great Brittain, being directly contrary to H.M. most gracious Instructions, and for what trade and navigation has for some years been perniciously carried on that may effect the trade and navigation of Great Brittain, I can't render your Lordships a more particular account, than has been represented in an humble Remonstrance to your Lordships from ye severall branches of this Government etc. *Signed*, Mich. Smith. *Endorsed*, Recd., Read 24th March, 173 $\frac{1}{2}$, Read 23rd Feb., 173 $\frac{2}{3}$. *Holograph*. 1 p. [C.O. 152, 19. ff. 139, 140 v.]

Jan. 31.
Nevis.

48. President Smith to the Duke of Newcastle. *Encloses Minutes of Council and Assembly of Nevis, of Council of Antigua, Montserrat and St. Christophers, "and shall those of the three Assemblys as soon as finish'd, which commence from the time they were delivered Lt. Gen. Mathew," etc. Enclose accounts of the effects of the Catherine sloop (v. 27th Feb., 1731). Signed*, Michael Smith. *Endorsed*, R. 13 March. 1 p. *Enclosed*.

48. i.—iii. Accounts of effects of the *Catherine* sloop, Dec. 29, 1729. *Signed*, Wavll. Smith, Secry., Edward Jesup, Provost Marshall, Charles Dunbar. *Copies*, 9 $\frac{1}{2}$ pp.

48. iv. Minutes of Council of Montserrat, 28th July, 16th Sept., 1730. 4 pp.

48. v. Minutes of Assembly of Nevis, Jan.—Dec., 1731. 9 pp.

48. vi. Minutes of Council of St. Christophers, 1st Oct., 1730—26th Nov., 1731. 45 pp.

48. vii. Minutes of Council of Nevis from 28th April—2nd Dec., 1731. 17 $\frac{1}{2}$ pp.

48. viii. Minutes of Council of Antigua, Jan. 26, 1729—11th June, 1730. 31 $\frac{1}{2}$ pp., and 20th July, 1730—19th July, 1731. 105 $\frac{1}{2}$ pp. [C.O. 152, 43. ff. 159, 160 v., 162—163, 165, 166—167 v., 169, 169 v., 171, 171 v., 173, 173 v., 175—176, 177, 178, 179, 180, 181, 182, 183, 187—197 v., 198 v., 199 v., 200 v., 201 v., 203, 204, 205, 206—214 v., 218—226, 229—244 v., 247—299, 300 v.]

Feb. 1.

49. Petition of Mayor, Aldermen, Burgesses, merchants, traders, and masters of vessels of Poole trading to Newfoundland, to the Council of Trade and Plantations. *Petition similar to that from Dartmouth (v. Feb. 8th.)* Petitioners have of late years employed not less than 50 vessels yearly in the Newfoundland

1732. [49] trade. *Signed*, Timo. Spurrier, Mayor, and 48 others. *Endorsed*, Reed. (from Mr. Ashe), Read 22nd Feb., 173½. 1 large p. [*C.O.* 194. 9. ff. 86, 86 v.]

Feb. 1. **50.** Jonathan Belcher jr. to [?Mr. Delafaye]. As Governor Belcher has hitherto at all times during the administration of his office demeaned himself exactly agreeable to H.M. Instruction, and wh. is lately certified in a report of ye Lds. of Trade *etc.*, it will therefore be very acceptable to ye Governr. that when the royal order of leave goes over for his accepting his salary, that his Grace the Duke of Newcastle would be pleased just to give ye said Govr. a few lines therewith justifying his conduct in ye Government. there. *Signed*, Jona. Belcher junr. ½ p. [*C.O.* 5. 898. f. 436.]

[Feb. 1.] **51.** Mr. Walpole to the Council of Trade and Plantations. In the latter end of the administration of Govr. Burnet deceased at New York, the Assembly came to some resolves for suppressing the Court of Chancery, which is the only Court where prosecutions for ascertaining and recovering H.M. quitrents, when contested, can be carried on with any probability of success, because the other Courts are determined by Juries. Notwithstanding the Instructions that were given to the late Govr. Montgomerie for reviving that Court, the Receiver Genl. there hath acquainted the Auditor Genl. of the Plantations that the said late Govr. made an open declaration against having anything to do with the Chancery Court, and always declined concerning himself in any disputes about H.M. quitrents, and that the present President hath since declined taking the oaths as Chancellor: By which means many quitrents remain in arrear, and where H.M. right to them is contested, no remedy can be expected. It is therefore proposed to enforce in the strongest manner the Instructions to H.M. Governor of New York on this head by requiring him to hold a Court of Chancery whenever it shall be required, and that he will also enquire and examine into the state of H.M. quitrents under his Government, and use his authority by all lawfull ways and means to countenance H.M. officers in their endeavour to ascertain and recover the same. *No signature. Endorsed*, Reed. (from Mr. Walpole) 1st. Read 3rd Feb., 173½. 2 pp. [*C.O.* 5. 1055. ff. 233, 233 v., 234 v.]

[Feb. 1.] **52.** Grant of Maryland to Lord Baltimore, 1632. *Endorsed*, Reed. (from Lord Baltimore), Read 1st Feb., 173½ (v. C.S.P. 19 Aug., 1731). *Printed translation*. 29 pp. [*C.O.* 5. 1268. ff. 50, 52, 53-66 v., 69 v.]

Feb. 1. **53.** Mr. Popple to Mr. Carkesse. Requests a return of sugar, molasses and rum exported from each of the British Sugar Islands to the Northern colonies in America 1726-1730. [*C.O.* 29. 15. p. 248.]

1732.
[Feb. 2.]

54. Jer. Dunbar to the Council of Trade and Plantations. An account of trade and manufactures in New England. The people make great quantities of hats for their own use and some they send to Spain and Portugal and to our own West India Islands. They also make barr iron, some of wch. they send abroad and other they make into nails, utensils, anchors and all sorts of iron work for shipping, and by the advantage they also have of importing Spanish iron duty free, they are enabled to supply all sorts of manufactured iron, as nails tools *etc.* cheaper than they can be had from Old England by 3*d.* or 4*d.* per pound weight. They also make camblets and other woollen stuffs a great many, also iron potts and paper. The(y) have a slitting mill: sev'l. still houses and sugar bakers. They build ships for the French, and fitt them out with all sorts of rigging of their own makeing, for wch. they have in return French silks, claret, rum and molasses. India goods of all sorts are very much wore there and sold much cheaper than in Europe, by means of the drawback. *No signature. Endorsed. Reed. Read 2nd Feb., 1732½. 1 p. [C.O. 5. 874. ff. 37, 40 v.]*

Feb. 3.
Whitehall.

55. Order of Committee of Privy Council. The Lords Commissioners for Trade *etc.* are to prepare draughts of Instructions for all Governors of Plantations relating to laws placing inhabitants thereof on a more advantageous footing than those of Great Britain, and laws affecting trade or navigation of this Kingdom, as proposed in their Representation (*v.* 21st Jan.). *Signed. W. Sharpe. Endorsed. Reed. 12th. Read 18th Feb., 1732½. 1½ pp. [C.O. 323. 9. ff. 98, 98 v., 99 v.]*

Feb. 3.
Whitehall.

56. Order of Committee of Privy Council. Referring back to the Council of Trade and Plantations for further consideration their recommendation of Anthony Reynolds for the Council of N. Hampshire, *etc.* *Signed. W. Sharpe. Endorsed, Reed. 14th Feb., Read 3rd Oct., 1732. This Order not to be proceeded upon. A.P.C. ¾ p. [C.O. 5, 874. ff. 171, 172 v.]*

Feb. 3.
Whitehall.

57. Order of Committee of Privy Council. Referring enclosed to the Council of Trade and Plantations for their report, together with their own representation recommending Mr. Atkinson for the Council of N.H., *etc.* *Signed. W. Sharpe. Endorsed, Reed. 14th Feb., Read 6th March, 1732½. 1 p. Enclosed,*

57. i. Petition of Jonathan Belcher jr. to the King in Council. *Offers objections to the nomination of Theodore Atkinson, late Deputy Collector, N.H., to the Council, as proposed by the Board of Trade. For a Governor to be advised in Council by a person opposing those measures which he thinks requisite for H.M. honour, is to defeat the end of the special trust and confidence which by H.M. Commission, is reposed in the Governor. This Mr. Atkinson has done in several instances, in one particularly wherein he shewed the little regard he paid to an Instruction from H.M., produced to him specially by the Governor.*

1732. [57. i]

In pursuance of the Instruction that the Governor should fill up vacancies caused by death in offices under the immediate appointment of the Crown, Governor Belcher at the decease of Mr. Bacon, late Collector of N.H., wrote to Mr. Atkinson his Deputy to surrender the seal of the office, with a view to appointing a new officer *etc.* He peremptorily refused, and persisted in his refusal when the Governor sent a special warrant and copy of his said Instruction *etc.* which obliged the Governor to cut a new seale, *etc.* Prays that their report may be referred back to the Council of Trade to reconsider respecting a new nomination *etc.* Signed, Jona. Belcher, Junr. Copy. 2 $\frac{2}{3}$ pp. [C.O. 5. 874. ff. 41, 42-43. 44 v.]

[Feb. 3.] **58.** Mr. Worsley to Mr. Popple. I herewith send you the Minutes of the Council of Barbadoes to the time I left that Governmt. as also the Naval Officer's lists, to 25th Sept., 1730, which were the last I received *etc.* Signed, Hen. Worsley. Endorsed, Recd. 3rd. Read 16th Feb., 173 $\frac{1}{2}$. Holograph. 1 p. [C.O. 28, 22. ff. 166, 167 v.]

Feb. 3. **59.** Order of Committee of Council. In accordance with Whitehall. Representation of 13th Jan., the Council of Trade and Plantations are to insert Hugh Hall in place of Thomas Davers in the Council of Barbados in Governor Chetwynd's Instructions *etc.* Signed, W. Sharpe. Endorsed, Recd. 7th. Read 15th Feb., 173 $\frac{1}{2}$. 1 p. [C.O. 28, 22. ff. 164, 165 v.]

Feb. 3. **60.** Order of Committee of Privy Council. Approving of Whitehall. Representation of 17th Dec. and ordering that John Morris be added to the list of Councillors for Antigua when a new Governor of the Leeward Islands is appointed. Signed, W. Sharpe. Endorsed, Recd. 21st Feb., Read 18th April, 1732. 1 $\frac{1}{4}$ pp. [C.O. 152, 19. ff. 121, 121 v., 126 v.]

Feb. 3. **61.** Order of Committee of Privy Council. Approving Whitehall. representation of 23rd Dec., and appointing John Duer Councillor of Antigua *as preceding.* Signed and endorsed *as preceding.* 1 p. [C.O. 152, 19. ff. 122, 125 v.]

Feb. 4. **62.** Council of Trade and Plantations to the Duke of Whitehall. Newcastle. Enclose following to be laid before H.M. Annexed.
62. i. *Same* to the King. Submit Col. Cosby's Commission to be Governor of New York. "being in the usual form," are preparing his Instructions with all possible dispatch *etc.*
62. ii. Gov. Cosby's Commission, described in No. i. [C.O. 5, 1125. pp. 184-205.]

Feb. 4. **63.** Duke of Newcastle to the Council of Trade and Planta- Whitehall. tions. Reminds them of letter of 23rd Nov., 1731, relating to complaints of disorders in Newfoundland, and requests their

1732.

[63]

opinion, "the season now coming on for Capt. Clinton's return thither" and it being necessary that he should receive H.M. orders thereupon *etc.* *Signed.* Holles Newcastle. *Endorsed.* Recd. 4th. Read 8th Feb., 173 $\frac{1}{2}$. 1 p. [*C.O.* 194. 9. ff. 84, 85 v.]

Feb. 4.
Whitehall.

64. Council of Trade and Plantations to President Rip Van Dam. It appears to us by several letters from Genl. Hunter when Govr. of New York, that pursuant to the powers given to him, he did hold Courts of Chancery in that Province, for recovering the arrears of quit rent due to H.M. ; But Colo. Montgomery having acquainted us with some difficulties he met with in opinions there with respect to holding that Court, we informed in our letter of 28th May, 1729, that he ought to hold Courts of Chancery when there should be occasion as former Govrs. had done ; notwithstanding which the Receiver Genl. of New York had acquainted the Auditor Genl. here that the said late Govr. made an open declaration against having anything to do with the Chancery Court and always declined concerning himself in any disputes about H.M. quit-rents ; The said Receiver Genl. hath also represented that you have likewise declined taking the oaths as Chancellor by which means among other inconveniencies many quit rents remain in arrear and, where H.M. right is contested no remedy can otherways be expected. We therefore give you notice of what is here complained of and advise you to hold Courts of Chancery as often as occasion shall require and therein to enquire into, and examine the state of H.M. quit rents in that Province, and by all lawful ways and means to countenance H.M. Officers in their endeavours to ascertain and recover the same *etc.* *Acknowledge* letters and have laid before H.M. what he wrote concerning French encroachments. *Thank* him for volume of Connecticut laws *etc.* Col. Cosby has been appointed Governor. Until he arrives, they will expect exact accounts of all transactions in the Province *etc.* *Set out,* N.V. Col. Docs. V. 930. [*C.O.* 5, 1125. pp. 181-183.]

Feb. 4.
Whitehall.

65. Duke of Newcastle to the Council of Trade and Plantations. *Refers to* his letter of 24th Nov. last, requiring a report upon the trade between the Northern Colonies and the French Islands *etc.* "which His Majesty expected to have received from you before this time." *Continues :* As it appears by the late Address from the House of Commons (*v.* 29th Jan.) that this affair is coming under the consideration of that House, H.M. has commanded me to acquaint you with his pleasure, that you do, without any further delay, make your report in pursuance of what I then wrote to you ; It having been H.M. intention, that this report should have been ready against the session of Parliament, that it might have been laid before the House for their information. I am also to remind you of H.M. commands (*v.* 9th June), that you should comply with the address of the House of Commons for your preparing a representation to be laid before them in this present session, of the state of H.M.

1732. [65.] Colonies and Plantations in America, with respect to any laws made, manufactures set up, and trade carried on there, which may affect the trade, navigation and manufactures of this Kingdom: that if this representation is not ready to be laid before the House, it may be finisht without loss of time. *Signed*, Holles Newcastle. *Endorsed*, Reed. 4th, Read 8th Feb., 173 $\frac{1}{2}$. 13 pp. [*C.O.* 28, 22. ff. 154, 154 v., 155 v.]
- Feb. 4. 66. List of papers laid before the Council of Trade relating to the dispute between the Sugar Colonies and the Northern Colonies in America since the last sessions of Parliament. [*C.O.* 29, 15. pp. 249-251.]
- Feb. 4. 67. Council of Trade and Plantations to the Duke of Whitehall. Newcastle. Enclose following, to be laid before the King. *Autograph signatures*. 1 p. *Enclosed*.
 68. i. *Same* to the King. Enclose following.
 68. ii. Draft of Commission for William Cosby, Governor of New Jersey. The same, *mutatis mutandis*, as that of Col. Montgomery, Aug. 23, 1727. With warrant for preparing same to pass the Great Seal subscribed. 25th Feb., 173 $\frac{1}{2}$. *Signed*, Holles Newcastle. [*C.O.* 5, 195. ff. 69-76, 77]: *and (covering letters only)* 5, 996. pp. 280-282.]
- Feb. 5. 68. Mr. Sharpe to [? *Mr. Delafaye*]. My Lord President is of Council Office. opinion that as the Address of the House of Commons is worded, Whitehall. for the merchants' petition about their debts and the report of the Board of Trade thereon, copys of these papers should not be prepared by the Council Office, but by the Plantation Office *etc.* *Signed*, W. Sharpe. 1 p. [*C.O.* 5, 36. f. 26.]
- Feb. 7. 69. Mr. Leheup to Mr. Popple. By Mr. Chetwynd's death the Order of the Committee of Council for inserting Mr. Ashley and Mr. Haggat as Counsellours (in his Instructions) can't be executed; Upon applying at the Council Office, I am told that the first step for their appointment is now to come from the Board of Trade. *Prays* for a representation accordingly, the Council at Barbadoes being very thin by means of these vacancies. another acting as President, and two more (Mr. Colleton and Capt. Davers) being here *etc.* *Signed*, Peter Leheup. *Endorsed*, Reed. 7th, Read 15th Feb., 173 $\frac{1}{2}$. 1 p. [*C.O.* 28, 22. ff. 162, 163 v.]
- [Feb. 8.] 70. Memorial by Matthew Maugir, Richard Homens and Bodmen, and other masters of vessels *etc.* at Canso to the Council of Trade and Plantations. There is at present a great trade carried on by the French in the harbour of Cansoe who come from the Island Gaspye and Cape Breton, and sell great quantities of Martinico rum, melassus. and sundry commodities from Old France, as brandy, wine, linnens, *etc.*, to the fishermen at Cansoe and who come there yearly from other places and barter those

1732. [70]

commodity's for fish caught by the English which enhances the price of fish and also proves a very considerable detriment to the ships which yearly come from England in order to purchase their cargoes of fish there, not only by the French getting part of ye fish for those contraband commodity's but also is a manifest loss to those British ships who cannot sell the lawful commodity's they bring with them in order to purchase fish, ye people at Causoe being continually stock't by the French so yt. the advantage which might accrue from our own and Plantation commodities is lost thereby as well as ye French being enabled to purchase the greatest quantities of fish and supplying the marketts in the Mediterranean therewith and more especially Italy which is yearly overstock'd with fish brought thither in French ships the great part of it is caught by our own people as above. *Pray their Lordships to apply a proper remedy :* so yt. a trade so exceeding valuable to Great Brittain as ye employnt. of shipping, ye encrease of seamen, and ye sale of Brittish commodity's together with ye paymt. of our returns for good part of our trade from the Mediterranean, be preserved as entire as possible. *Endorsed.* Reed. (from Mr. Bladen) 8th Feb.. Read 4th May, 1732. 1 p. and one line. [C.O. 217, 6. ff. 93, 97 v.]

Feb. 8. **71.** Council of Trade and Plantations to the King. By an
Whitchall. Act passed in Bermuda July last *to supply the deficiency of several funds etc.*, it is enacted that for the term of two years from the publication of the said act all goods and merchandise of what nature or kind whatsoever belonging to any persons not being inhabitants of the Bermudas shall pay at the rate of three pounds of the current money of Bermuda for every hundred pounds value imported into those islands. Which being a provision of a very partial nature and detrimental to the trade of this Kingdom, we take leave humbly to lay the said act before your Majesty for your disallowance. [C.O. 38, 88. p. 166.]

[Feb. 8.] **72.** Address of the Commander in Chief of the Leeward Islands and Council and Assembly of Nevis to the Council of Trade and Plantations. Represent that "the decaying circumstances and declining state of these H.M. Leeward Colonies are chiefly if not wholly owing to that detrimentall trade which hath for many years past been freely encouraged and openly carried on between the inhabitants of Boston, Rhode Island and other parts of the Content and the subjects of the French King in Martinique, Guardaloupe and Hispaniola, which trade as it is very pernicious and destructive to the English is no less manifestly the cause of the rise and great improvement of the French islands. The Boston and the other trading parts of the Continent, may with great advantage as well as ease supply the Brittish Sugar Islands with their commodities for returns equally advantagious and beneficiall to them were there trade properly confin'd, which mutuall proffitt and supply of each others wants would give that advantage to the Sugar Colonies of Great Britain which the French and Dutch by a contrary (and seemingly unaturall) trade have long reaped and

1732. [72]

now enjoy to their very great emolument, whereas the British subjects are proportionably decaying in their circumstances and decreasing dayly in numbers as is too notorious to insist on. The inhabitants of the British Sugar Islands and Continent have such equall needs for the goods of each other that neither can improve without a free trade between both *etc.* The plentifull supplies of boards staves horses fish and lumber of all sorts which the French and Dutch receive from the Continent occasion great scarcity of those very goods amongst the British Collonies, especially Nevis, insomuch that they are frequently obliged to purchase the refuse of their cargoes at extravagant rates, and sometimes are drove to great extremitys by a totall want of such goods *etc.* The ill consequence of that trade is shown by the improvement of the French islands in general *etc.*, but more especially of Martinique, whose power alone in case of a war would be very formidable to H.M. Leeward Islands particularly Nevis and Mountserratt which are much reduced in their inhabitants as well as trade without a sufficient number of men of warr to protect us *etc.* The French are encreasing also at Hispaniola, a very large and fruitfull tract of land already well settled by a great number of inhabitants, tradeing almost to all parts but capable of far greater improvements, especially since the French have lately fallen into a method of building what vessels they have occasion for at Boston and other parts of the Continent. They are enabled (by the illegall trade aforesaid) to add to their Collonies and are now dayly makeing new settlements at Dominico and St. Lucia, each of which have at least 500 inhabitants *etc.* This false trade is as beneficiall to the Dutch at Surinam *etc.*, for from a very small beginning they have raised themselves to a very high degree so as to become a place of great trade capable of exporting yearly 40,000 hogsheads of sugar. Whereas were this destructive trade duely prohibited the Dutch would not, no more than the French, be the greatest gainers by the sugar trade nor H.M. subjects of these Islands the least. The inhabitants of the British Collonies labouring under many disadvantages more than the French and Dutch, with regards to our dutys to the Crowne, (which they are exempt from) and also for want of those supplies of Northern goods which the French and Dutch allmost engross to themselves by the mischievous trade aforesaid are the true and genuine reasons why our lands are not duely cultivated nor furnished with slaves, our numbers of men decreaseing, our produce less, and a generall decline, and decay of these once flourishing islands which with proper encouragement, are still capable of produceing much more than they doe and of maintaining twice the number of men they now have *etc.* Pray the Board's help to get an act passed restraining "such an illegall and hurtfull trade as is above set forth without the least exaggeration *etc.* and as every day's practice abundantly evinceth notwithstanding a certain author of a pamphlet intituled *Remarks* *etc.* hath been pleased to endeavour to discredit a very just and judicious remonstrance of this nature sent from H.M. Island of Barbadoes which was grounded on self-evident truth and experience whereas the abovementioned

1732.

[72]

author's assertions to the contrary are notoriously groundless and (to say no worse of them) very great mistakes. *Signed*, Mich. Smith, Cha. Bridgwater, Ja. Symonds, Michael Williams, James Porowne, Richd. Abbott, Lawce (?) Brodbelt, Daniel Smith, John Dasant, Speaker, Thos. Pym, Sam. Clarke, Joseph Herbert, George Webbe, Roger Pemberton, Robt. Pemberton, James Earle, Thos. Stewart, John Woodley. *Endorsed*, Recd. (from Mr. Butler), Read 8th Feb., 173 $\frac{1}{2}$. 1 $\frac{1}{2}$ large pp. [C.O. 152, 19. ff. 111, 112, 112 v.]

Feb. 8.
Whitehall.

73. Mr. Popple to Mr. Fane. *Encloses Acts passed in Jamaica 1731 and requests his opinion in point of law upon the following ; (i) for rendering the two regiments more serviceable, and providing an additional subsistence for them etc. ; (ii) for rendering the Bath in the parish of St. Thomas more serviceable ; (iii) to establish etc. the title of the Honble. Edward Charlton to three parcels of land in St. Jago de la Vega etc. ; (iv) to continue part of an act for the better suppressing the rebellious negroes etc., empowering such parishes as are omitted in the sd. Act to send parties in like manner as the parishes in the said act mentioned, etc.* [C.O. 138, 17. p. 357.]

[Feb. 8.]

74. Petition of Merchants, traders and masters of ships of Dartmouth trading to Newfoundland, to the Council of Trade and Plantations. For more then thirty years past every harbour in the Island of Newfoundland hath been govern'd by the commanders of the three first fishing ships that should arrive from England who are stiled Admiralls, according to an Act of Parliament *etc.* *Continues* :—But within these three last years Capt. Henry Osbourne Esq. (Comandt. of one of H.M. ships) has been sent there with the title of Governour, who has substituted a sort of civil magistracy by appointing in each harbour certain Justices and Constables, the generality of ye former as well as latter are illiterate persons of mean circumstances, who chiefly subsist by ye shipping, wch. fish there in the summer season, and in the winter spend what they get or more if can obtain credit, for your further knowledge of them we appeal to the Lord Vere Beaulere who when Comodore there allways acted with impartiality.—So that the powers which before was in the hands of the Fishing Admiralls, who return to England every year, and if they acted repugnant to law or justice might easily be brought to answer for ye same in a Court of Judicature here ; is now invested in those Justices (inhabitants of Newfoundland) and whatever illegall or arbitrary proceeding or determination of theirs we can have no redress for without more expence and time then the thing is worth and as the inhabitants chiefly subsist from hand to mouth onley, so we must totally lose our debts &c. They are already come to tax our trade and servts. wch. remain there and carry such an insolent authority and power among us, that if suffered the trade must inevitably faile.—Several of these Justices supply the servants, and mean people at exorbitant prices especially with strong liquors, by which those people cannot afford themselves cloaths and other necessarys for the fishery, and though ye

1732. [74]

merchants and traders would supply these person at a moderate advance, yet if they are in debt to ye Justices, they will threaten nothing less then prison to their debtors if they are not first paid. "Twill tire Yo. Lordships' patience to enumerate more particulars *etc.* Pray that the Justices may have no power during the stay of the fishing ships, but that the Admiralls may still have the powers of deciding controverceys *etc.* as granted by the Act *etc.* Signed, Arthr. Holdsworth and 19 others. Endorsed, Reed. (from Mr. Tribby, Member for Dartmouth). Read 8th Feb., 173 $\frac{1}{2}$. 1 large p. [C.O. 194, 9. ff. 83, 83 v.]

Feb. 8.

75. Order of House of Commons. That the Commrs. for Trade and Plantations do lay before this House all the acts of H.M. Colonies of New York, New England and Virginia, which have been transmitted to them, for preventing the sale of rum to the Indians. Signed, N. Hardinge, (Cl. Com. Dom. Endorsed, Reed. 8th, Read 15th Feb., 173 $\frac{1}{2}$. $\frac{1}{2}$ p. [C.O. 5, 1055. ff. 235, 236 v.]

Feb. 8.
Custom House,
London.

76. John Oxenford to Mr. Popple. In reply to 1st Feb., encloses following. "The values of the exports are casting up and will be sent as soon as they can be made up" *etc.* Signed, John Oxenford. Endorsed, Reed. Read 8th Feb., 173 $\frac{1}{2}$. Addressed. $\frac{3}{4}$ p. Enclosed.

76. i. Account of sugar imported from the British Sugar Islands, 1727-1730.

	1727.		1728.		1729.		1730.	
	cwt.	qrs. lb.	cwt.	qrs. lb.	cwt.	qrs. lb.	cwt.	qrs. lb.
Antigua	96112	0 25	187260	1 2	205532	2 25	182277	2 17
Barbados	164013	2 10	238664	0 18	159843	2 22	250075	2 25
Jamaica	176230	1 23	271665	1 10	354686	3 10	319456	1 25
Mountserat	32689	3 19	50635	3 7	36316	0 25	44751	1 8
Nevis	30233	2 22	50293	3 9	71540	1 12	60059	1 17
St. Christo- phers	141366	1 10	165642	2 7	158728	0 26	162407	0 6
West Indies in general	2485	1 0	4397	2 22	3430	0 3	1742	1 23
Totals	643131	1 25	968499	2 19	990078	0 11	1,020,770	0 9

Signed, John Oxenford. $\frac{2}{3}$ p.

76. ii. An Account of exports of sugar from England 1727-1730. The amounts vary from 112,699 cwt. to 210,320, the largest customers being Germany. 77960 cwt. in 1728, Holland, 71948, Ireland, 26692 and Flanders 15115. The exports to the Plantations are negligible. Signed, John Oxenford. 1 p. [C.O. 28, 22. ff. 156, 157, 158, 161 v.]

Feb. 9.
Whitehall.

77. Duke of Newcastle to the Council of Trade and Plantations. Encloses following. Concludes:—I am to signify to you H.M. pleasure, that you accordingly lay before them the papers desired *etc.* Signed, Holles Newcastle. Endorsed, Reed. 9th, Read 10th. Feb., 173 $\frac{1}{2}$. $\frac{3}{4}$ p. Enclosed.

1732.

77. i. Address of the House of Commons to the King, that He will be graciously pleased to give directions, that the petition of several merchants of the City of London to H.M., complaining, that as the laws now stand in some of H.M. Colonys and Plantations in America, His subjects of Great Britain are left without any remedy for the recovery of their just debts ; and also the report of the Lords Commissioners of Trade thereupon, be laid before this House. 7th Feb., 173 $\frac{1}{2}$. *Copy.* $\frac{1}{2}$ p. [*C.O.* 323, 9. *ff.* 94, 95, 97 v.]

Feb. 9.
Whitehall.

78. Duke of Newcastle to the Council of Trade and Plantations. Encloses following for their report, what is proper to be done. *Signed*, Holles Newcastle. *Endorsed*, Recd. 24th Feb., Read 14th April. 1732. 1 p. *Enclosed*,

78. i. Petition of Henry Worsley to the King. *Recapitulates* Instruction and Act of Barbados settling an additional salary on him during his Government. The revenue raised by that act, by a tax on negroes and other the possessions of the inhabitants, over and above said salary, was so considerable that tho' Memorialist found the Island above £25,000 in debt on his first coming, yet the greatest part of that heavy burthen has been discharged by this fund *etc.* If all the inhabitants had paid their tax for these three last years, as they did the preceeding the whole debt of the country would have been discharged. The wealth of that island was so far from being affected by this act that the Legislature there passed two other acts, each laying a duty on negroes and other the possessions of the inhabitants *etc.* one in 1724, for payment of the debts of the island which was afterwards repealed by H.M. in Council, the other in 1726, for erecting Magazines in St. Anne's Castle, and building a town-hall and gaol in St. Michael's Town. *Describes* refusal of many to pay the tax on the grounds that the act was determined after the death of King George I, an Order in Council declaring that it was in force *etc.* Many paid a due obedience to said Order, but many used divers artfull contrivances to evade and elude the law which they were thereby so strictly commanded to obey, by which means there hath been a very large deficiency for 3 years past in the collection of the tax *etc.* *Continues* :—The duty imposed by this act being vested in your Majesty *etc.*, tho' appropriated to particular uses, your Memorialist most humbly apprehends that the proper method of recovering the several sums due under this act is by information in nature of an action of debt to be brought in the proper Court of Barbadoes in the name of your Matie's. Attorney Genll. there, or by English bill to be brought by and in ye name of your Matie's. said Attorney Genl. on your Matie's. behalf in any Court of the Island holding plea of revenue

1732. [78]

causes in general, which makes it necessary, that if such proceedings should be thought proper your Matie's. directions should be obtained for commencing ye same. As ye monys remaining due under this act are appropriated to ye use of ye publick as well as for payment of your Memorialist's additional salary and as those who have refused paying the tax thereby imposed are guilty of acting in defiance of ye law and in contempt of ye said Order of Her Matie. in Council as Guardian of the Reahn, and as it would be matter of great uneasiness to all such of your Maties. loyal and faithfull subjects there who have constantly and freely paid the tax in obedience to ye law and your Majesty's authority should they see others who are equally able and no less bound, discharged thereof by an audutifull disobedience *etc.*, *prays that* H.M. Attorney General of said island may be directed, in case defaulters do not pay by some short time to be limited by H.M., that he then cause proper suits to be commenced against them *etc.*, and that the sums so recovered may be applied to the uses of the said act *etc.* 3 *closely written pp.* [C.O. 28, 23. ff. 15, 16-17, 18 r.]

Feb. 10.
Whitehall.

79. Council of Trade and Plantations to the Duke of Newcastle. Enclose extract of letter from Governor Hunter, 13th Nov., just received, relating to the danger that might attend the recalling of the two regiments *etc.* *Autograph signatures.* 1 p. [C.O. 137, 47. f. 127, 138, 17. p. 358.]

Feb. 10.
Whitehall.

80. Council of Trade and Plantations to the Duke of Newcastle. *Reply to* letters of 24th Nov. and 4th Feb. requiring a report upon the representations from Barbados and Jamaica relating to the trade between the Northern Colonies and the French Islands *etc.* *Continue*:—In order to make a perfect report upon the several particulars in your Grace's first letter, immediately sent for all the parties or their Agents. Those concerned for the Northern Colonies desired copies of what had been represented in behalf of the Sugar Islands, in order to make their answers: and it was some time before we received their answers thereto: The Agents for the Sugar Islands likewise desired copies of these answers, that they might be able to make their reply, which could not in reason be deny'd. Some time passed before they delivered in their reply, and within two days after that we received H.M. Orders, upon the Address of the House of Commons, to lay copies of all such papers as had come to our hands upon this subject before the House: and we really did not apprehend, till we received your Grace's second letter, that it was H.M. pleasure we should proceed to make this report upon a matter of so much nicety and importance, which in all probability will have received its determination in Parliament long before it can be possible for us to make a report upon it, tho' all other business were laid aside, and all imaginable diligence apply'd to this subject only. We take leave however to send your

1732. [80]

Grace inclosed copies of all the papers that have been delivered to us by the parties concern'd, which consist of many allegations, but of allegations only, and not of proofs, which has brought this matter hitherto no farther than to an issue upon the facts in dispute between the opposite parties. Your Grace will easily conceive what time it will naturally require to apply proofs to these allegations, and how imperfect our report would be, how little able to answer the many enquiries directed by your Grace's first letter, till those proofs shall have been apply'd and thoroughly considered. This is the true state of this affair, to which we may add, that some of the parties very materially concern'd in this dispute, have delivered in their state of the case to us but within these very few days; and among the other papers herewith transmitted, your Grace will find an address to H.M. and a representation to us from the Isld. of Nevis, which we read the 8th instant. Yet if notwithstanding all, it should be H.M. pleasure that we should proceed in making our report upon this subject, upon the first signification thereof we shall not fail, whatever time it may require (and certainly it will be a work of much time) to obey H.M. commands. In your letter of the 4th instant, your Grace is likewise pleased to remind us of that which we had the honour to receive from you the 9th of June last, inclosing the Address of the House of Commons for our preparing a Represn. to be laid before them, in this present session of Parliament of the state of H.M. Colonies and Plantations in America, with respect to any laws made and manufactures set up, and trade carry'd on there, which may affect the trade, navigation and manufactures of this Kingdom: and to signify to us H.M. pleasure, that if this Representn. is not ready to be laid before the House, it may be finished without loss of time. Give us leave to inform your Grace, that upon receipt of your letter of the 9th of June, we forthwith sent circular directions to all the Governors of ye British Colonies in America, requiring them to transmit to this Board exact and particular accounts of the several matters mentioned in the said Order, that we might be the better enabled to make a punctual and authentick return upon proper vouchers to the House. Nor did we neglect to make dilligent search in the books and papers in our Office, in order to acquire such lights as we could collect from thence, relating to these heads of enquiry, till such time as we could be more fully informed thereof by proper returns from the several Governors to our circular letters. But the Address upon this subject which was moved very late, the last session of Parliament, having been again repeated the 15th past, we thought it our duty to inform the House, of the true state of this matter, and to take their sense in what manner the Board should conduct themselves upon this occasion; that is to say, whether the House would be pleased to accept of such a report as we were able to make from the books and papers in our Office? or whether the Board should wait for the returns from the other Governors of the British Colonies in America to our circular letters, having at that time received answers only from Virginia and Pensylvania! And it seeming

1732. [80]

to be the sence of the House, that we should make such a report as we were then able to draw up, from the books and papers in our Office, we have accordingly done so, and hope to be able to lay the same before the House in a very few days. As we shall always obey H.M. commands with the utmost diligence, and shall receive the notification of them from your Grace with singular pleasure, so we must beg, you would do us the justice to believe that we are incapable of delays or neglect of our duty, and particularly that we have not lost any time in enquiring into the matters mentioned in your Grace's last letter. *Autograph signatures.* 8 pp. [C.O. 5. 4. No. 49; and 29. 15. pp. 251-258 (*without enclosures*).] *Enclosed.*

- 80. i. Lt. Gov. Gooch to the Council of Trade and Plantations. Sept. 8th. 1731. *Copy.* 13 pp.
- 80. ii. Extract of representation from Council of Virginia to the Council of Trade in answer to the representations from the Sugar Islands. *Copy.* 6 $\frac{1}{4}$ pp.
- 80. iii. Representation of President, Council and Assembly of New York to the King on same. *Copy.* 3 $\frac{3}{4}$ pp.
- 80. iv. Representation of the President, Council and Assembly of St. Christophers to the Council of Trade and Plantations. On trade between New England and French and Dutch. 24th Sept., 1731. *Copy.* 6 pp.
- 80. v. Answer, to the Council of Trade and Plantations, on behalf of the Northern Colonies to the representations of Barbados, Antigua and St. Christophers. *Copy.* 12 pp.
- 80. vi. Reply to preceding, to the Council of Trade and Plantations, on behalf of the Leeward Islands and Jamaica. *Copy.* 22 $\frac{1}{2}$ pp.
- 80. vii. Reply, to the Council of Trade and Plantations, on behalf of Barbados to Nos. iii and v. *Copy.* 7 $\frac{1}{2}$ pp.
- 80. viii. Memorandum of kinds of sugar sent from British Plantations. $\frac{3}{4}$ p.
- 80. ix. Correction of evidence given to a Committee of the House of Commons upon last year's bill, in view of the bill now before the House of Lords. *Printed.* 2 pp. *Without date or signature.* [? by Capt. Fayer Hall. v. No. xxi.] *Printed.* 2 pp.
- 80. x. Observations upon the argument of the Northern Colonies that sugar, cotton and indigo are not permitted to be exported from the French and Dutch Islands. *Copy* 1 p.
- 80. xi. Remarks upon objections to clauses in the Sugar Bill as to the *onus probandi*. *Copy.* 1 $\frac{3}{4}$ pp.
- 80. xii. Breviate of an Act of Barbados, 1663, granting the 4 $\frac{1}{2}$ p.c., with a note upon impositions levied upon sugar and tobacco. *Copy.* 2 $\frac{1}{4}$ pp.
- 80. xiii. (a) Account of the importation and re-exportation of sugars from the British Plantations, 1716-1730. Custom House, 23 March, 1731. Totals (for 14 years): *Imported*, 10,173.155 cwt.; *Exported*, 1,971.948 cwt. *Signed*, John Oxenford. *Copy.* 1 p.

1732. [80. xiii]

- (b) Notes upon evidence (? by Capt. Hall *v.* No. xxi) relating to sugar trade. 1 *p.*
80. xiv. Copy of a bill intituled an Act for the better securing and encouraging the trade of His Majesties Sugar Colonies in America. 1731. Prohibits importation of foreign sugar, rum or molasses into any of H.M. Dominions, and the export of lumber and horses from the Plantations in America to any foreign Plantations. *Printed.* 6 *pp.*
80. xv.-xviii. The Case of the British Northern Colonies. Statement on trade with the Sugar Islands. 3 *folio pp.* *Three printed and one MS. copies.*
80. xix. The Case of the British Sugar Colonies. *Printed.* 3 *folio pp.*
80. xx. Answers to all the objections made to the Bill for supporting the Sugar Colonies. *Printed.* 2½ *pp.*
80. xxi. (a) Capt. Fayrer Hall's Evidence before a Committee of the House of Commons, April 1731, concerning the Sugar Colony Bill. Corrects his former evidence in opposition to the Bill, so far as it was based on two mistakes (i) that rum could be afforded cheaper than brandy in Europe. (ii) that rum was absolutely necessary for our Northern Colonies. *Printed.* (b) Letter to a Noble Lord concerning the advantage to the French Sugar Colonies from the Northern Colony Trade. *Signed.* Fayrer Hall. *Printed.* *The whole,* 12 *folio pp.*
80. xxii. Representation of the Assembly of Barbados to the Council of Trade and Plantations. 27th Aug., 1731. *v.* C.S.P. *under date.* *Copy.* 12½ *pp.*
80. xxiii. Representation of Lt. Governor, Council and Assembly of Antigua to the Council of Trade and Plantations, complaining of trade of New England and the foreign Plantations. *Copy.* 8 *pp.*
80. xxiv. Reasons offered on behalf of Pennsylvania against the monopoly desired by the Assemblies of Barbados, Antigua and St. Christophers. *Copy.* 6½ *pp.*
80. xxv. Representative of Commander in Chief (Michael Smith) of the Leeward Islands and Council and Assembly of Nevis to the Council of Trade and Plantations, complaining of decay of sugar trade owing to trade between the Northern Colonies and the French Islands. *Copy.* 5 *pp.* [*C.O.* 5, 4. Nos. 49, 49 i.-xxv.]

Feb. 11. **81.** Deposition of Peter Shank, mariner, of Poole. Master of the sloop *Nancy* at Ferryland in Newfoundland in 1730, he was ordered by Thomas Taverner, master of the ship *Samuel & Dove*, to proceed to St. Johns in order to take in passengers to carry to the said ship. The pilot sent with him soon agreed with 25 passengers to transport them to Ireland. But William Keen, Justice of the Peace there told the pilot he should have no passengers and confined him, and sending for deponent told him he had a ship coming for passengers, and he should have none, and told him to be gone on the morrow. Keen arrested four of the

1732. [81]

passengers who had gone on board the sloop upon some slight pretence and took ashore 15 of their chests, so that deponent was obliged to sail with only 10 passengers *etc.* *Signed*, Peter Shank. *Overleaf*,

81. i. Samuel White to the Council of Trade and Plantations. As owner of the said ship and sloop, begs that Keen may be brought to justice *etc.* *Signed*, Samuel White. *The whole endorsed as following.* 1½ pp. [C.O. 194, 9, ff. 87, 87 v.]

Feb. 11.

82. Deposition of John Moore, Christchurch, master of the *Agnes and Mary* brigantin. Deponent arrived at Trinity the second vessel. A dispute arising between two of his men on shore, Francis Squib and Jacob Taverner, J.P's in that harbour, put them in the stocks, and threatened to put deponent in the stocks also, when he demanded to be heard as Vice-Admiral. Deponent further saith, and Joseph Vallis, master of the *Friend and Adventure*, one of the people called Quakers attorneth, that the Admirals having held a Court and settled the price of fish in the said harbour, and in what manner all debts were to be collected according to custom, and affixed publick notice thereof at one side of the Church door, the said Justices caused it to be removed, and affixed at ye common whipping post. *Signed*, John Moors, Joseph Vallis. *Endorsed*, Reed. (with the petition from Poole v. 1st Feb.), Read 22nd Feb., 173½. ¾ p. [C.O. 194, 9, ff. 88, 88 v.]

Feb. 11.
Whitehall.

83. Duke of Newcastle to the Council of Trade and Plantations. I have laid before the King the enclosed Addresses from the Council and the Assembly of Jamaica wch. I received yesterday from Major General Hunter their Governor: and H.M. observing that they relate chiefly to the subject of the representations of the Assembly of Barbadoes and of the Governor, Council and Assembly of Antigua, which I sent you 24th Nov. *etc.*, commanded me to transmit these likewise to your Lops., that you may also consider thereof and report to H.M. your opinion thereupon. *P.S. Encloses* also representation from New York upon the same subject for their report *etc.* *Signed*, Holles Newcastle. *Endorsed*, Reed. 14th Feb., Read 23rd March, 173½. 1 p. *Enclosed*.

83. i. Address of the Council of Jamaica to the King. St. Jago de la Vega. 27th Nov., 1731. Wee your Majesty's most dutiful and loyal subjects your Council of Jamaica having taken into our consideration the declining state and condition of this island, think ourselves indispensably obliged in duty to your Majesty and in justice to ourselves and our country humbly to make some representation thereof to your Majesty. We *etc.* confine ourselves to the most obvious and visible causes of our misfortunes, the encrease and success of our rebellious slaves the decrease of our white people and the decay of our trade and planting interest. The first hath in some part been guarded against by your Majesty's great goodness in sending and we hope continuing

1732. [83. i]

amongst us two regiments of soldiers for our preservation. The decrease of our people is in great measure owing to our loss of commerce and therefore we shall endeavour to point out some of the many causes of this latter evil. We are of late years depriv'd of the most beneficial branch of our trade, the carrying negroes and dry goods to the Spanish coast, the loss of this occasioned the desertion of a considerable number of our seafaring men and others from this island for want of employment. A further discouragement to our trade is the frequent hostilities committed by the Spaniards who regardless of the solemn treatys enter'd into with your Majesty spare no English vessel they can overcome, and from whom it has hitherto been in vain to attempt the obtaining any satisfaction in these parts. We likewise beg leave to observe that the Bays of Compeachy and Honduras were many years in the possession of your Majesty's subjects and reputed part of the territorys depending on your Majesty's Government of this island and gave employment to a considerable number of shipping and people to cutt and carry logwood from thence but wee have been dispossessed of them by the Spaniards who likewise there seized and made prizes of a great number of ships belonging to your Majesty's subjects. The low value of our produce may be very justly attributed to the great improvement the French have made in their Sugar Colonys, by the encouragement given them particularly in allowing them to export their commodities to foreign marketts, without first introducing them into any of the ports of France, and from the lowness of their duties, and being under no necessity of double voyages they can afford to undersell us. And likewise by the pernicious trade that is carry'd on from this island and your Majesty's Northern Colonys to the French Sugar Islands. It is well known that sugar and other commodities produced in the French and Dutch Colonys are frequently imported in to Ireland without introducing them into the ports of Great Britain and paying the duties as your Majesty's subjects of your Sugar Colonys are obliged to do, and consequently those forreigners are supplied with provisions at easier rates than wee, and we are in a manner deprived of a very considerable markett in that part of your Majesty's Dominions. Your Majesty's Northern Colonys import into this Island great quantitys of provisions and other goods, for which they take no part of our produce in exchange (a small quantity of molasses excepted) but are paid in bullion which they carry to Hispaniola and buy sugar, rum and molasses for their own use, this trade is not only unequal and injurious to us, but prejudicial even to themselves, and highly so to our Mother Country, and drains us of so

1732. [83. i]

much bullion in favour of France which otherwise must have center'd in Great Britain. We further beg leave to observe to your Majesty that cocoa was formerly one of the principal commodities of this Island and a great encouragement to the settling it, but that it is now lost which is in a great measure owing to the restriction and heavy duties laid on it in Great Britain, and possibly our sugar, rum, ginger and other produce may be attended with the same ill consequences if not timely remedyed. As the industrions planters of this Island have lately introduced coffee and begun to make plantations thereof, we humbly beg leave to represent it, and to address your Majesty for some encouragement either by a bounty on importation or otherwise, that such settlements may be carry'd on with the greater cheerfulness, *etc.* Our zeal for your Majesty's service in the preservation of this Colony and the natural love we owe to ourselves and to a country in which is our all, has encouraged us to lay these particulars before your Majesty *etc.* *Pray for relief etc.* *Signed*, by order of the Council, Jos. Maxwell, Cl. Concil. *Endorsed as preceding.* 1 large p.

83. ii. Address of the Assembly of Jamaica to the King. We *etc.* Lay before the most indulgent and best of Princes our low and languishing circumstances, occasion'd by the great decay of our trade, the low value of our produce and the decrease of our people, which renders the present inhabitants unable to comply with those heavy and burthensome taxes, we were under the necessity of raising, for the support of your Majesty's Government of this Island, the reduction of our rebellious negroes, and the additional subsistance of the two regiments your Majesty was graciously pleas'd to send over. *Repeat complaints against Spaniards for seizing shipping and dispossessing them of the Bays of Campeachy and Honduras :* against the Northern Colonies for trade with French and Dutch Sugar Islands : French trade with Ireland : and duty on cocoa *as in preceding.* *Request* bounty for coffee *as in preceding.* *Conclude :* It's from your Majesty's sole goodness and interposition, that we can propose to ourselves relief from the inconveniencys and hardships we labour under, by promoting the further settling of this Island, and easing it's inhabitants, of some of the great expences they are at present lyable to, by double voyages and the charges attending thereon, which we conceive will be of advantage likewise to Great Britain, nothing being a more certain truth, than that whatever riches this Island can acquire, must at last necessarily center in the Seat of Government. May we, your poor subjects of this Island, be an eminent instance of your Majesty's having a just right to that most glorious title, of being the Asserter of the Liberties of Europe, that we may heartily joyn with the rest of

1732. [83. ii]

mankind, in proclaiming, that your most excellent Majesty, is not only the greatest, but the best and justest Prince that ever reign'd. *Signed*, John Stewart, Speaker. *Same endorsement.* $\frac{3}{4}$ large p.

83. iii. Representation of the President, Council and Assembly of New York relating to the trade of the Northern Colonies and Sugar Plantations. *Duplicate of C.S.P.* Nov. 2, 1731, encl. i. *q.v.* *Endorsed*, Recd. 14th Feb., Read 23rd March, 173 $\frac{1}{2}$. 1 large p. [*C.O.* 137. 19, ff. 121, 122 *v.* 124-125 *v.* (without enclosure iii.); and (enclosure iii. only) 5, 1055. ff. 237, 237 *v.*]

Feb. 14.
London.

84. Mr. Balaguier to Mr. Popple. The Governour of Carolina having been acquainted by Lord Carteret, that he has pass'd some laws and open'd the Land Office there: which are things that may concern my Lord in his property *etc.*, requests the Board to order him copies of such acts and papers as may relate to the granting of lands and remitting quit-rents *etc.* *Signed*, John Ant. Balaguier. *Endorsed*, Recd. 14th., Read 15th Feb., 173 $\frac{1}{2}$. $1\frac{1}{2}$ pp. [*C.O.* 5, 362. ff. 49, 49*v.*, 52 *v.*]

Feb. 14.
Fredericksfort.

85. Lt. Governor Dunbar to Mr. Popple. *Abstract.* Upon some petitions to the General Court at Boston against him, by people, such as Mr. Waldo, who call themselves proprietors of land here, they have voted an Address to H.M. against him, and to claim their jurisdiction here, which by the 4to printed books he formerly sent, they disclaimed. They only do it ought of a natural spirit to oppose anything from the Crown. Hopes the Board will notice that even his implacable enemies, Mr. Belcher and his party, do not charge him with selling those lands, or ever making any private advantage therefrom *etc.* As to the petitions in the votes for the lands on the westward of Shepscot river, he gave an account to all the offices to which he is accountable, that in Nov. 1729 he chose and reserved the land between Shipscot and Kennebeck river for the Royal Navy, as having the best pine trees and white oaks upon it, of any place he has yet discovered on this side Kennebeck river. This he has told to those who call themselves proprietors of those lands, as often as they have applied to him, and that if they were inclined to settle and improve lands they should have as much as they would undertake upon H.M. terms to other people on the east side of the same river, which was rather better land, but had not that growth of large pines and white oaks. *Continues:* "Several gentlemen have accepted the offer, viz. Collo. Quinzy, Collo. Phips, Mr. Flynt, a senior Fellow of their Colledge, and others, and a number of other people who called themselves proprietors and the Muscingos Company, at first waved their pretensions and are now settling upon the King's terms there, which I have called Torrington. Many New England men are among all the new towns, no man can say I ever objected against any of them, nor have made ye least distinction, tho' they do not the like in the Massachusetts bay, where H.M. English and Irish Protestant subjects are stigmatized with the

1732. [85]
 epithets of foreigners and strangers " *etc.* The Board knows these dutyfull addressors, and no doubt all justice will be done to them. Has no fear that such pretended titles can be allowed to so great a country, capable of being made a usefull one to England, when under the care of any man that shall be sent with power and means to do it *etc.* Mr. Waldo's claim was only intended as a precedant ; if he recovered it, claims would be endless, until there would not be a spot left for H.M. use within fifty miles of the seashore. *Continues:* " As for Mr. Toppan one of their preachers, he claims about 400,000 acres where I have layd out the towns of Walpole, Newcastle, Townshend and part of Harrington, and there are many pretenders to several parcels of the same lands." *Begs* to be believed that he has never disturbed anybody he found settled on the east side of Kennebeck river : indeed there were but 2 families, except 13 on Arroozick Island, in Kennebeck river *etc.*, but has forbidden people to cut down white pine-trees on the west side of Shepscot river *etc.* " In the votes which my brother will shew you, you will see one for a new edition of a platform for Church Governmts. in New England. I have wrote to Boston to send some of them to you and I have now sent one to my brother, wch. if my Lords will permit him to shew to them, I am persuaded their Lordships will be filled with resentment at it, for my own part I think it a most extraordinary peice," *etc.* Is impatient for letters, to hear the Board's opinion relating to Governor Belcher and himself, but more especially as to the settlement. The Representatives of N. Hampshire have sent home one of their members to lay their grievances before the Board. His name is Rindge : he has been always of that side which showed a dutifull regard to H.M. Instructions *etc.* *Signed.* David Dunbar. *Endorsed.* Recd. 17th April. Read 13th May. 1732. *Holograph.* 6 $\frac{1}{3}$ pp. [*C.O.* 5. 874. ff. 95-98 v.]

[Feb. 15.] **86.** List of Acts passed in the Colonies of New York, New England, and Virginia, prohibiting the selling of rum to the Indians. Laid before the House of Commons, pursuant to their order. Virginia, act of 1705 prohibits selling rum in an Indian town or land. Mass. Act of 1693, lays a penalty on selling any strong liquors to them ; 1725, 1729, 1731. Truck masters only to furnish Indians with rum. New York act. 1728, lays penalties for selling strong liquors to the Indians without licence : acts confirming said act lays duty on all rum sold to Indians, (6*d.* per gall.). [*C.O.* 5, 1125. p. 206.]

Feb. 15. **87.** Representation of the Commissioners for Trade and Whitehall. Plantations to the House of Commons in answer to their Addresses to H.M. of 5th May, 1731, and 15th Jan. last relating to laws made in the Plantations, manufactures set up and trade carried on there, which may affect the Trade, Navigation and Manufactures of this Kingdom. *Refer* to their circular letter to Governors of June 10, 1731. After the second Address of the House, Jan. 15th, they thought it their duty to take the sense of the House, whether they should report at once, or wait for returns from all

1732.

[87]

the Governors, having at that time received answers from Virginia and Pennsylvania only. *Continue* :—And it seeming to be the sense of this honorable House that the Board should make such a report as they were then able to draw up from the books and papers in their Office : we have accordingly done so, having since received returns also, from Maryland, New York, New England, South Carolina, Rhode Island and Jamaica, *etc.* We shall begin with what regards the Laws, and that the House may be the better apprized thereof, shall beg leave to premise some particulars relating to the constitution of the several Colonies and to the powers vested in them for the passing of Laws. Many of the British Colonies in America are immediately under the Government of the Crown : *enumerated* ; others are vested in Proprietors, as Pennsylvania, Maryland, and not long since the Bahamas and the two Carolinas also. There are likewise three Charter Governments. The chief of these is the Massachusetts Bay, commonly called New England, the constitution whereof is of a mixed nature, where the power seems to be divided between the King and the People : but in which the People have much the greater share : for here the people do not only chuse the Assembly, as in other Colonies, but the Assembly chuse the Council also, and the Governor depends upon the Assembly for his annual support, which has too frequently laid the Governors of this Province under temptations of giving up the prerogative of the Crown, and the interest of Great Britain. The two remaining Provinces, Connecticut and Rhode Island, are Charter Governments also, or rather Corporations where almost the whole power of the Crown is delegated to the People : for they chuse their Assembly, their Council and their Governor likewise annually, and hold little or no correspondence with our Office. It is not surprizing that Governments constituted like these last mentioned, should be guilty of many irregularities in point of trade, as well as in other respects. All these Colonies however, by their several constitutions, have the power of making laws for their better Government and support, provided they be not repugnant to the laws of Great Britain, nor detrimental to their Mother Country. And these laws when they have regularly passed the Council and Assembly of any Province, and received the Governor's assent, become valid in that Province, repealable however by His Majesty in Council upon just complaint, and do not acquire a perpetual force, unless confirmed by H.M. in Council. But there are some exceptions to this rule in the Proprietary and Charter Governments ; for in the Province of Pennsylvania they are only obliged to deliver a transcript of their laws to the Privy Council within *five years* after they are passed, and if H.M. does not think fit to repeal them in *six months* from the time such transcript is so delivered, it is not in the power of the Crown to repeal them afterwards. In the Massachusetts Bay also, if their laws are not repealed within *three years* after they have been presented to H.M. for his approbation or disallowance, they are not repealable by the Crown after that time. The provinces of Maryland, Connecticut, and Rhode Island, not being under any obligation by

1732.

[87]

their respective constitutions to return authentick copies of their laws to the Crown for approbation or disallowance, or to give any account of their proceedings, we are very little inform'd what is doing in any of these Governments. All the Governors of Colonies who act under the King's appointment, ought within a reasonable time to transmit home authentick copies of the several acts by them pass'd, that they may go thro' a proper examination: But they are sometimes negligent in their duty in this particular, and likewise pass temporary laws of so short continuance that they have their full effect even before this Board can acquire due notice of them. Some attempts have been made to prevent this pernicious practice. But the annual support of Government in the respective Colonies, making it necessary that laws for that purpose should pass from year to year, they have frequently endeavour'd in those laws, as well as in others of longer duration, to enact propositions repugnant to the laws or interest of Great Britain, of which this Board have never failed to express their dislike to the Crown, and many laws have from time to time been repealed upon that account. But as to such laws as do not directly fall within the above rule, of which no complaint is made and where the Board are doubtfull of the effect they may have, it has always been usual to let them ly by probationary, being still under the power of the Crown to be repealed in case any inconvenience should arise from them. It has also been usual that where a law has contained many just and necessary provisions for the benefit of the Colony where the same pass'd, intermix'd with some others lyable to objection, to let the same ly by, giving notice to the Governor of the Province when that law pass'd that it shuld be repealed if he did not within a reasonable time procure a new law, not liable to the like objections, to be substituted in the place thereof. And from the constant discharge of our duty herein, it has so happened that upon the most diligent enquiry into all the acts passed in the several British Colonies since the accession of His late Majesty to the Throne, there are none that have yet come to our knowledge still remaining unrepealed or unexpired which are lyable to objection, excepting those only in the following list: and even against them no complaint has been made to this Board till very lately vizt:—In the Massachusetts Bay: An act passed in 1728, *for the encouragement of making paper*. This manufacture, as will appear by the following returns on the subject of trade and manufactures, has hitherto made but a very small progress, and can hardly be said in a strict sense to interfere with our own paper, because almost all the paper sent to New England from hence is foreign manufacture, but it certainly interferes with the profit made by the British merchant upon foreign paper sent to this Province; However no complaint has ever been made to us against this law. By the return to our circular letter from the Governor of *New Hampshire*, we are inform'd that an act pass'd many years since in that Province *for the encouraging of iron works*, by which the exportation of iron ore is prohibited: But upon the most diligent enquiry no such act is to be found in our Office, and we believe none such

1732. [87]

was ever transmitted to this Board: however not knowing whether this act might not have pass'd since the late King's accession, we have inserted it in this list. In New York, a law pass'd in 1728 *to repeal some parts and to continue and enforce other parts of the act therein mentioned, and for granting several duties to H.M. for supporting his Government in the Colony of New York from 1st Sept., 1728 until 1st Sept., 1733.* wherein amongst other duties one was laid of five ounces of plate or forty shillings in bills of credit on every negroe imported from Africa, and a duty of four pounds on every negroe imported from any other place. The Plantations in all times past have laid duties upon the importation of negroes, and as the merchts. have naturally encreased their price in proportion to those duties, so it is but lately that complaints have been made against these duties, unless they went to excess: But the Board are of opinion that it would be more for the convenience of the trade that these duties should for the future be paid by the purchaser rather than by the importer, and His Majesty has upon our representation be pleased to send an instruction to that effect to all the Governors in America. *North Carolina* has but lately been purchased by H.M., and no laws pass'd there since that purchase by H.M. Govr., are yet come to our hands. But we have lately received a collection of the laws of that Province pass'd during the time of the late Proprietors, amongst which we find two acts pass'd in 1715 which seem to come within the meaning of the order of the House vizt., an act *concerning attornies from foreign parts and for giving priority to country debts,* and an act *for raising a publick magazine of ammunition, upon the tunnage of all vessels to this Government.* Both these laws are very partial to the inhabitants of that Province, the first by giving the preference to themselves in the recovery of their debts, before the subjects of this Kingdom, and the second by excusing such vessels as are owned, or in part owned by the inhabitants of that Colony, from paying the powder duty thereby impos'd: otherwise we should have no great objection to the last of these laws, because a powder duty hath always been collected and paid in all the Colonies abroad, by ships trading thither, without complaint to this Office. In *South Carolina* a law pass'd in 1727 *for carrying on several expeditions against the Indians and other enemies etc.,* by which a duty was reviv'd of £10 that country mony, which amounts to about £1 8s. 6d. sterl. on every negroe of above 10 years old, if imported directly from Africa, and of £5 pr. head if under 10 years of age and not sucklings, and if imported from any other Plantations above 10 years old £50 and under 10 years old £5 except proof were made that they were all new negroes and not been above 6 months in America. Complaint was made against this act by the merchts. in 1729, not for the value of the duty but for the manner of the collection, wherenpon the Board propos'd to H.M. at the request of the said merchts. that the same should be made payable for the future by the purchaser and not by the importer, from whence the Instruction already mentioned under the head of New York, took its rise. By the Charter of Pennsylvania it has

1732.

[87]

already been observed, that the Proprietor is obliged to offer the laws of this Province to the Crown for approbation or disallowance within 5 years after they are pass'd, *etc.* But since 1715 that article has been evaded, and the laws of this Province have not been transmitted to this Board, except occasionally an act or two, so that we are not enabled to lay a state of the laws of this Province before the House. *Maryland* is a province of which the Lord Baltimore is absolute Proprietor, and as by his patent he is not obliged to lay the laws passed there before the Crown for approbation, we know little of them except when the merchants have reason to complain of any of them, two of which are to be found in a list of laws lately delivered to this Board by the merchants, which will be inserted in this report, these laws lay duties on the importation of negroes and of Irish servants. In *Bermuda* a law passed in 1731 entitled an act *to supply the deficiency of the several funds in these islands, for finishing the fortifications, and for defraying the other charges of this Government.* This law lays a duty of 3 p.c. on all goods and merchandizes not belonging to the inhabitants, and therefore now lies before H.M. for his disallowance. At the *Bahamas* an act was passed in 1729 *for lerying divers sums of money for defraying the publick charges etc.*, which laye a duty of 18*d.* per barrel on beer or cyder and 3*s.* pr. gross if in bottles. There are other duties also laid by this act from which the inhabitants are exempted: and therefore we should immediately have laid the same before H.M. for his disallowance: but considering the extream poverty of this new Colony, and the great difficulty they are under to find out funds to support their government, as these duties are but small, we have chosen to let this act lye by, till the Governor can get another passed for the like purpose not lyable to the same objections. In *Jamaica* an act was passed in 1731 *to oblige the several inhabitants to provide themselves with a sufficient number of white people or pay certain sums of money in case they shall be deficient, and for laying a duty upon shipping and applying the same to several uses.* there is one shilling per ton laid upon all shipping coming from any place to the northward of the Tropick of Cancer or trading any way to the southward of the Tropick of Cancer for the space of one year. This is one of those annual laws pass'd for the support of Government, and is in substance the same with many others pass'd for the same purpose, of which no complaint was ever made to us, till lately, it expires in March next and came to our hands the latter end of June last: By another act, *for raising several sums and applying the same to several uses etc.*, there is a duty of 15*s.* a head laid on the importation of all negroes and other slaves and 30*s.* a head on the exportation of them. This law was pass'd and expires at the same time with the foregoing. We have expressed our dislike of in a report H.M., 25th Aug. last. These are all the laws pass'd since His late Majesty's accession, that can reasonably be said to fall within the Order of the House, nor has complaint been made to us till very lately of any others of more antient date. But upon a petition to H.M. from the merchants, of London in behalf of

1732. [87]

themselves and others complaining that “as the laws now stand in some of the Colonies H.M. subjects residing in Great Britain are left without any remedy for the recovery of their just debts, or have such only as is very partial and precarious. As also that in several of the said Colonies or Plantations greater and higher duties and impositions are laid on their ships and goods” *etc.* The said merchants, being desired to acquaint the Board whether they knew of any particular laws in the Colonies, against which they had reason to object. They did deliver to us a list of laws wherein the said Colonies appear to have been very partial in their own favour, in some of them exempting their persons from arrests, in others giving a preference to the inhabitants before the British merchant in the recovery of debts, and exacting duties where a less burthen is laid upon their own effects than upon those of the British merchants. But as some of the laws in that list are already taken notice of in this Report, others expired or long since repealed, we shall only enumerate such of them as we apprehend to be still in force. By another act pass’d in *Virginia* in 1663 *concerning foreign debts*, [debts] owing to persons non residents are not pleadable, unless for goods imported. By an act pass’d in *Virginia* in 1664, *for the priority of payment to the country creditors*, the priority in the payment of debts is given to the creditors who are inhabitants of that Province. By another act pass’d in *Virginia* in 1668 entituled *Privilege of Virginia owners*, *Virginia* owners are exempt from paying the duties of 2s. per hhd. which the merchants of Great Britain and other owners of ships are obliged to pay. By another act passed in *Virginia* in 1669, *for freeing Virginia owners from Castle duties*; the *Virginia* owners are also exempt from paying the Castle duty of 1s. 3d. per tun, which the merchants and others residing in this Kingdom are obliged to pay. By another act pass’d in *Virginia* in 1680, *for raising a publick revenue for the better support of the Government etc.*, the *Virginia* owners have the above privileges conferr’d to them. By an act pass’d in *Maryland* in 1704, *confirming to the Governors the duty of 3d. per tun upon the burthen of ships and vessels*, a duty of 3d. per tun is imposed on English ships from which the ships of the inhabitants of the said Province are exempted. By another act pass’d in the same Province in 1704, *for laying an imposition on several commodities exported etc.*, non-residents are obliged to pay a double duty for furs exported; traders from Great Britain were then deemed residents. But by the Collection of Laws printed in *Maryland*, it appears that an act was pass’d in 1723, that Province being then under the government of the Proprietor, entituled an act *for repealing such part of an act for laying an imposition on several commodities exported as related to laying a duty on furs and skins only, and for laying an imposition on pork, pitch and tar in lieu thereof etc.*, whereby a duty is laid on pork of one shilling per barrel or 6d. per cwt., on pitch one shilling per barrel, and on tar 6d. per barrel imported by any but inhabitants, in lieu of the aforementioned duty on furs, and the English traders’ privilege of being deemed inhabitants is not preserved by this law. By another act pass’d

1732. [87]

in the same Province in 1715, *for laying an imposition on negroes and on several sorts of liquors imported and also on Irish servants*, to prevent the importing too great a number of Irish Papists into this Province, a duty of 3*l.* pr. gallon is laid on all liquors imported and also a duty of 20*s.* per head on negroes and Irish servants, which duties are not to be paid, if imported in vessels belonging to inhabitants of the said Province. By another act pass'd in 1704 *for the relief of creditors in England against bankrupts who have imported any goods into this Province not accounted for*, the British creditors of bankrupts are put under such difficulties in the recovery of their debts as are almost unsurmountable. It is easy to observe from the date of the laws in the foregoing list, that most of them were pass'd long ago, and very probably thought reasonable at the time when they were enacted as encouragements to such as should be disposed to transport themselves and lay out their small fortunes in America, which we conceive to be the reason why no complaint was ever made that we know of against them till now. But as we have lately made a report to H.M. upon the petition of the merchants *&c.*, which report now lyes before this Honble. House, we beg leave to refer thereto as it contains many things pertinent to the present enquiry.

Trade and Manufactures. The state of the Plantations varying almost every year more or less in their trade and manufactures, as well as in other particulars, we thought it necessary for H.M. service, and for the discharge of our trust from time to time to send certain general Queries to the several Governors in America, that we might be the more exactly inform'd of the condition of the said Plantations, amongst which there were several that related to their trade and manufactures, to which we received the following returns. *Nova Scotia.* Col. Vetch, Aug. 1720, informed us that there were no manufactures established there, and that the trade of that Province consisted chiefly in furs, peltry, cod-fishing, some small matter of naval stores and lumber. *New Hampshire.* Governor Shute, 1719, said that there were no settled manufactures in that Province, and that their trade principally consisted in lumber and fish. *Massachusetts Bay in New England.* Col. Shute informed us that in some parts of this Province the inhabitants work'd up their wooll and flax and made an ordinary coarse cloth for their own use, but did not export any, that the greatest part both of the woollen and linnen cloathing that was then worn in this Province was imported from Great Britain, and sometimes linnen from Ireland: But considering the excessive price of labour in New England, the merchants could afford what was imported cheaper than what was made in that country. That there were also a few Hatters set up in the maritime towns, and that the greatest part of the leather used in that country was manufactured amongst themselves. That there had been for many years some iron works in that Province, which had afforded the people iron for some of their necessary occasions. But that the iron imported from Great Britain was esteemed much the best and wholly used by the shipping. That the iron works of that Province were not able to supply the 20th

1732.

[87]

part of what was necessary for the use of the country. *New York*. General Hunter in his answer, 1720, informed us that they had no manufactures in that Province that deserved mentioning, and that their trade consisted chiefly in furs, whalebone and oyl, pitch tar and provisions *etc.*, that there were in *New Jersey* no manufactures that deserved mentioning and that their trade was chiefly in provisions, exported to New York and Pennsylvania. *Pennsylvania*. Col. Hart, formerly Governor of Maryland, who lived many years in the neighbourhood of this Government, said (1720) that their chief trade lay in the exportation of provisions and lumber, and that they had no manufactures established, their cloathing and utensils for their houses being all imported from Great Britain *etc.*, and that the principal trade of *Maryland* was in tobacco, and that at that time, tobacco bearing a reasonable price, all manufactures or trade that might arise from any other produce of that country were laid aside. *Virginia*. In the year 1720 we had no return from this Province to our circular queries. *Carolina*. Messieurs Boone and Barnwell, then Agents for this Province in their answers to said queries *etc.* 1720 mentioned no manufactures except mirtle wax candles, and said that the trade of that Province consisted chiefly in rice, naval stores, lumber, furs, peltry and provisions. These were all the returns we received to our Queries to the year 1720, and such was the state of the British Colonies in America at that time with respect to trade and manufactures. And that we might constantly be inform'd what alterations had happen'd therein, we frequently repeated the abovementioned Queries, requiring annual answers thereto from the several Governors in America, who have not all of them been equally punctual in their correspondence upon this subject. *Quote* their representation of 5th Dec. 1728 upon silk, linnen and woollen manufactures (*v. C.S.P. under date*). *Continue* :—Upon a further enquiry, we did not find that those people had the same temptation to go on with those manufactures during the time that the bounty upon Naval Stores subsisted having then encouragement to employ their leisure time in another way and more profitably both to themselves and this Kingdom. For the height of wages and the great price of labour in general in America made it impracticable for the people there to manufacture linnen cloth at less than 20 pr. cent more than the rate in England, or woollen cloth at less than 50 pr. cent dearer than that which is exported from hence for sale. But as the small quantities which they manufactured for their own use were a diminution of the exports from this Kingdom we conceived, it was to be wished, that some expedient might be fallen upon to divert their thoughts from undertakings of this nature, so much the rather because those manufactures in process of time might be carried on in a great degree unless an early stop were put to this progress, and the most natural inducement that we could think of to engage the people of America to desist from these pursuits was to employ them in naval stores, wherefore we took leave to renew our repeated proposals that a reasonable encouragement should be given for the making, raising and manufacturing

1732. [87]

of naval stores of all kinds in the Plantations from whence we might be furnished in return for our manufactures, and much money saved in the ballance of our trade with the Northern Crowns, where these materials are chiefly paid for in specie. But several alterations have happen'd since that time and by such lights as we have been able to acquire from the returns lately made us, as well as from the books and papers in our Office, and from informations given us by persons of credit, we find the present state of the British Colonies with respect to trades carried on or manufactures set up there, detrimental to the trade and navigation and manufactures of Great Britain to be as follows : *Nova Scotia.* *Quote* Governor Philips' letter 24th Nov. 1731. *Conclude :* But on this occasion we think it our duty to take notice that we have received complaints of the very bad manner in which the Canso fish is cured which brings the British fish into discredit in foreign markets. *New Hampshire.* *Quote* Governor Belcher, 4th Dec. 1731, and the same upon *Massachusetts Bay.* *Conclude :* We are likewise informed by some letters of older date from Mr. Belcher in answer to our annual queries, that there are some few copper mines in this Province but so far distant from water carriage, and the ore so poor that it is not worth the digging. Col. Dunbar, Surveyor General of H.M. woods in his letter of Sept. 15. 1730. takes notice that the people of New England have an advantage over those of Great Britain in the drawback allowed for all India and other goods exported which pay a duty in Great Britain and no duty is paid upon importing them into the Plantations. He has likewise sent this Board several samples of edge tools made in New England. And in his letter to our Secretary of the 4th of June. 1731, he says they have six furnaces and nineteen forges for making iron in New England. He also informs us, 19th Aug., 1730. that in this Province many ships are built for the French and Spaniards in return for rum, molosses, wines and silks which they struck (*sic*) there by connivance. These informations have been in great measure confirmed by Mr. Jeremiah Dunbar, Deputy Surveyor of the Woods and also by Mr. Thomas Coram a person of reputation who resided many years in New England, to which they have added, that great quantities of hats are made in New England of which the Company of Hatters of London have likewise lately complain'd to us, and Mr. Jeremiah Dunbar further says, that great quantities of hats made in that Province are exported to Spain, Portugal, and our West India islands, and that they make all sorts of iron work for shipping : and that are several still houses and sugar bakers established in New England. *New York.* Mr. Rip Van Dam, 29th Oct. last, informs us that there are no manufactures established there that can affect the manufactures of Great Britain. And as to the Trade and Navigation of the Province he acquaints us, that there is yearly imported into New York a very large quantity of the woollen manufacture of this Kingdom for their cloathing which they should be rendered incapable to pay for, and reduced to the necessity of making for themselves if they were prohibited from receiving from the foreign sugar colonies in money, rum,

1732. [87]

sugar, molosses, cocoa, indico, cotton-wooll, etc., which they at present take in return for provisions, horses, and lumber, the produce of that Province and New Jersey, of which he affirms the British sugar Colonies do not take off above one half. But the Company of Hatters of London have inform'd us that hats are manufactured in great quantities in this Province. *New Jersey.* Mr. Morris who is at present Commander in Chief of this Province has made no particular return for the same. *Pennsylvania.* Major Gordon, Deputy Governor of Pennsylvania, in his answer, received the 24th of the last month, informs us, that he does not know of any trade carried on in that Province that can be injurious to this Kingdom, and that they do not export any woollen or linnen manufactures, all that they make, which are of the coarser sort, being for the use of themselves and families. We are further informed that in this Province are built many brigantines and small sloops which they sell to the West Indies. *Maryland.* The upper and lower House of Assembly in their Address to the Deputy Govr. thereof in answer to our general queries say, that the produce of their tobacco which is the chief commodity for trade in that Province was alone sufficient to supply the people with cloathing and other necessaries from Great Britain. But that necessity had driven some of the poorer sort of people to make some small quantities of linnen and woollen for their own use, but that none was exported. *Virginia.* Lt. Gov. Gooch, 22nd Dec., last, informs us that there is no trade carried on there but that of tobacco, nor any manufactures set up that deserved that name: But that some poor people provided themselves with clothing of a sort of coarse cloth made of wooll and cotton and some linsey woolsey, where they were unable to purchase better by their labour in tobacco. *Carolina.* We have had no accounts from this Province which contradict the returns received from their Agents in 1720 *etc.* The Governor of *Rhode Island*, 9th Nov. last, informs us that there are iron mines there, but not a fourth part iron enough to serve their use, but he takes no notice of any sort of manufacture set up there. *Connecticut.* We have no return from the Governor of this Province, but we find by some accounts in our Office that the produce of this Colony is timber, boards, all sorts of English grain, hemp, flax, sheep, cattle, swine, horses, goats and tobacco, of which they export horses and lumber to the West Indies, and receive in return sugar, salt, molosses and rum. We likewise find that their manufactures are very inconsiderable, the people there being generally employ'd in tillage, some few in tanning, shoemaking, and other handicrafts, others in building, joiners, taylors, and smiths' work, without which they could not subsist. *The Bermuda and Bahama Islands.* By our returns from the Govrs. of those islands in 1730, we find there is no manufacture set up there except the building of sloops and other small vessels, in disposing of which consists almost intirely their trade, except some joiners' work and plat for hats. *The Sugar Colonies* vizt., *Jamaica, Barbados and the Leeward Islands.* By the latest returns which we have had from these islands to our circular queries, we do not find that they have any

1732. [87]

other manufactures established besides those of sugar, molasses, rum and indico of their own produce. These with cotton, aloes, piemento, and some other productions of less note are their whole dependance, which are commodities no ways interfering with the manufactures of this Kingdom, and some of them of great use to our manufactures here. In 1724 Mr. Worsley then Govr. of Barbados inform'd us, that of cotton they made hammocks, a few stockings and nets for horses.

From the foregoing state it is observable that there are more trades carried on and manufactures set up in the Provinces on the Continent of America to the northward of Virginia prejudicial to the trade and manufactures of Great Britain particularly in New England than in any other of the British Colonies, which is not to be wondered at, for their soil, climate, and produce, being pretty near the same with ours, they have no staple commodities of their own growth, to exchange for our manufactures, which puts them under greater necessity, as well as under greater temptation of providing for themselves at home. To which may be added in the Charter Governments the little dependance they have upon their Mother Country, and consequently the small restraints they are under in any matters detrimental to her interests. And therefore we would humbly beg leave to repeat and submit to the wisdom of this honourable House the substance of what we formerly proposed in our report on the silk, linnen, and woollen manufactures, namely whether it might not be expedient to give these Colonies proper encouragements for turning their industry to such manufactures and products as might be of service to Great Britain and more particularly to the production of all kinds of Naval Stores. [*C.O.* 324. 11. pp. 253–302.]

Feb. 15.
Whitehall.

88. Council of Trade and Plantations to the Committee of the Privy Council. Your Lordships having been pleased *etc.* to direct that the names of John Ashley, Othniel Hagget and Hugh Hall Esqrs, should be inserted in the instructions of the late Mr. Chetwynd, appointed Govr. of Barbados, we take leave to acquaint your Lordships, that it is often difficult to get a quorum of the Council in that island, from the vacancies therein, and from the absence of some of the Councillors: and therefore we think, it will be for H.M. service, that *they* should be immediately appointed of that Council. [*C.O.* 29. 15. p. 259.]

Feb. 15.
Whitehall.

89. Duke of Newcastle to the Council of Trade and Plantations. *Encloses following, etc.* It is H.M. pleasure that you lay before the House the papers therein desired. *Signed,* Hollis Newcastle. *Endorsed,* Read, 15th. Read 21st Feb., 173½. ½ p. *Enclosed,*

89. i. Address of the House of Commons to the King. 14th Feb., 173½. Requesting that the Commissioner for Trade be directed to lay before the House a copy of the Act of Barbados, 1715, laying a duty on foreign sugars, molasses and rum imported *etc.*, and of H.M. Order in Council, 17th Oct., 1717, confirming the same; also

1732. [89. i]

Governor Worsley's 96th Instruction, and of an act of Jamaica for granting a Revenue to H.M. and for reviving and perpetuating the acts thereof *etc.* *Signed.* N. Hardinge, Cl. Dom. Com. *Copy.* 1½ pp. [C.O. 28, 23. ff. 1, 2, 2v., 4c.]

Feb. 16.
Whitchall.

90. Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, 11 acts of S. Carolina, passed in Aug. 1731. Titles of Acts. [C.O. 5, 401. pp. 25-27.]

Feb. 19.
Albemarle.

91. Edmond Porter to the Council of Trade and Plantations. Governor Burrington, by and with the advice of Robert Halton and Joseph Jenour, Member of Council by H.M. appointment, and John Lovick and Edmond Gale of the Governor's appointmt hath thought fit to suspend me from the Council and as Judge of the Vice-Admiralty Court, with black and infamous carachters *etc.* *Quotes* Governor's 9th Instruction, relating to suspension of Councillors and encloses copies of proceedings *etc.* *Continues* :— By which your Lordps. will perceive that three Members of Council appointed by H.M. did dissent from my suspension (tho' I believe it will be represented otherwise) and in what manner the Governor vaunted and sported with my misfortunes, after he had suspended me from the office of Judge of Admty. the day before, and the next day from the Council Board; not giving me one hour's time in the former office to defend myself, and threw a paper wch. I told him related to my defence into ye fire, without reading it, or suffering any one member of Council to peruse it. During which trials *etc.* the lerned have not described malice or ye furies halfe so terrible to my apprehension as this gentleman appeared *etc.* In the two first general articles the Governor accuses me with "obstructing all proceedings in Council by raising unnecessary disputes and cavils." *etc.* *Replies* :—(i) I was often under necessity to differ with the Governor, more especially in matters wch. related to lands, wherein I did repeatedly advise him in private, not to accept, purchas, or otherwise be concerned in the property of such lands wch. in all probability was like to be controverted and of right belonged to the King. Here began his resentment *etc.* (ii) I gave an opinion in Council that the best expedient to find out the fraudes that had been transacted by meanes of Mr. Lovick's emitting blank pattents was to issue Proclamation to call in all patents that had been made out from a certain time *etc.* (iii) I gave an opinion in Council that it was improper for his Excellcy. (whose negative power was distinct and separate in the making laws) to come into the Council Chamber and by himselfe alter such bills that were by the upper House prepareing or amending for his assent. (iv) I gave an opinion in Council, that Mr. Wm. Little, Recr. General under the Lords Proprietors for the quitrents and purchas money of lands ought to produce a regular rent-role, by which he and his Deptys. did collect the same, that thereby it might appear to the Council what the amount thereof was annually, before his accounts could be admitted *etc.* Moreover Little (I observed to a Committy of

1732.

[91]

(Council), in one article of purchas money paid by Martin Franks, had given credit but 30s. to H.M., whereas the sum paid was above £300 (*v. encl. vii*). (v) That the Governor could not appoint John Lovick and Edmond Gale members of Council when seven in the Province did subsist *etc.* (vi) That the Governor is not sole Chancellor, as he hath repeatedly insisted *etc.* (vii) That H.E. and less than five of the Council could not hold Courts of Chancery, and that such courts were fixed to three certain terms *etc.* Appeals to the Board for protection and consideration of his case *etc.* *Set out*, N.C. Col. Rec. III. pp. 325ff. *Signed*, E. Porter. *Endorsed*, Recd. 13th May. Read 31st June, 1732. 3 $\frac{3}{4}$ pp. *Enclosed*.

91. i. Mr. Porter's Memorandum of proceedings upon his suspension from the Council *etc.* *Signed*, E.P. 1 p.
91. ii. Governor Burrington to Mr. Porter, stating his charge against him, which he intends to lay before the Council next day and move for his suspension. 1 p.
91. iii. Mr. Porter's reply to preceding. *Signed*, E. Porter. 3 $\frac{3}{4}$ pp.
91. iv. Memorandum of remarks by Governor Burrington and Mr. Porter after the latter's suspension. *Signed*, Jno. Bapta. Ashe, Corn. Harnett. 1 p.
91. v. Exceptions humbly offered by Mr. Porter against the legality of his suspension, to the Lords Commrs. of Trade *etc.* Feb. 19. 173 $\frac{1}{2}$. *Signed*, E. Porter. 3 pp.
91. vi. Opinion of E. Porter against the appointment of any new member of Council, there being seven at the present time *etc.* 27th July, 1731. *Signed*, E. Porter, at the Council Board. 1 p.
91. vii. Memorandum by Mr. Porter of statements by Martin Franks as to payments made by him to Wm. Little, late Receiver-General *etc.* *Signed*, E. Porter. 1 p. *Nos.* i-vii. *Set out* N.C. Col. Rec. III. 325-331. [*C.O.* 5. 294. ff. 14-15r., 16r., 17, 18, 19-21. 22-25 c.]

Feb. 19.
Jamaica.

92. Governor Hunter to the Council of Trade and Plantations. On the 29th of Jan. last I gave my assent to the Additional Duty Act, as it is call'd, laying no other or higher dutys on slaves then what had been for many years passt without complaint. An act pass'd also in this Session repealing that clause which relates to convicts imported here. On the 6th of Feb. I receiv'd by the hands of Capt. Bostock in a blank cover H.M. Instruction relating to the dutys on slaves imported. I lay'd it before the Council and Assembly, on which in a conference they agreed to and resolv'd on a joint address to H.M. on that subject, and in a body presented it to me with their request that it might be forthwith transmitted, and I have accordingly by this conveyance Capt. Bradshaw bound for Bristol inclos'd in mine to his Grace the Duke of Newcastle. I am much hurry'd in fitting out fresh party's against these slaves in rebellion who increase daly by the desertion of others from the several plantations, and grow formidable. There lay before the Council at the time the Instruction mention'd arriv'd an act for

1732. [92]

the settling and planting the wast lands here, which would have prov'd an effectual remedy and in my opinion the only one but attended with so vast an expens which in its present circumstances they thought the country could not bear, they dropt it (vide paper x). I have completed the two Independent Companys from ye volunteers of the two Regiments, about 150 have ingag'd in the country's service on the conditions offer'd them by the Assembly, there remains about 100 to embark for Ireland but I believe many of these will choose to stay. *Encloses* list of Acts passed last session *etc.* *Concludes* :—I assure your Lordships this island calls for your care as well as compassion. I have done my best *etc.* *Signed*, Ro. Hunter. *Endorsed*, Recd. 8th May. Read 12th Sept., 1732. 2³/₄ pp. *Enclosed*.

92. i. Encouragements given the soldiers who have enlisted in the country's service by an Act passed Jan., 1732. (*Cf.* Jan. 16. encl. v. Encouragements included to be given by another act which passed the Assembly but not the Council. (*v.* Jan. 16. encl. v.) *Same endorsement.* 1 p.

92. ii. List of Acts passed at a session begun 3rd Jan., 1731(2). (i) *Act for raising severall sums of money and applying the same etc.* (ii) *for raising of severall parties to reduce the rebellious negros in the N.E. part etc.* (iii) *to prevent the abuses committed by entertaining, concealing or carrying off any of H.M. soldiers, any white men or women servants or slaves, belonging to any of the inhabitants without tickets, and for the better regulating servants and deciding differences between masters and servants.* (iv) *An act to repeal such part of an act entitled an act for raising severall sums of money etc. as imposes a duty on the importation of convicts etc.* (v) *to oblige the severall inhabitants to provide themselves with a sufficient number of white people, or pay certain sums of money in case they shall be deficient, and for laying a duty on shipping and applying the same to severall uses.* (vi) *for paying the officers and soldiers who shall engage in the country's service and go in pursuit of the rebellious slaves etc.* (vii) *for appointing an Agent or Agents in Great Britain to sollicite the passing of laws and other the publick affairs of this Island, and empowering certain members of the Council and Assembly, during the interval of Assemblys, to give instructions for such his management etc.* *Same endorsement.* 1¹/₂ pp. [C.O. 137, 20. ff. 54–55r., 56r., 57, 58, 58r., 59r., 60r.]

Feb. 19.
Jamaica.

93. Governor Hunter to the Duke of Newcastle. *Repeats* substance of preceding letter to Council of Trade *etc.* Has desired Mr. Delafay also to lay before his Grace what he has written to him *etc.* This goes by a Bristol ship. The ships of war which are to sail soon for England will bring fuller accounts of everything. *Concludes* :—I have had very bad health of late, and have in mine to Mr. Delafay beg'd a favour, which I flatter myself your Grace will not think unreasonable (*v.* 16th March)

1732.

[93]

I have to the best of my skill and with the sincerest intentions pursu'd and endeavour'd at what I judg'd most conducive to H.M. service, without any other views than that *etc.* *Signed.* Ro. Hunter. *Endorsed.* R. 1st May. 3½ pp. *Enclosed.*

93. i. Duplicate of encl. i. preceding.

93. ii. List of encouragements given to volunteers by the Act of 3rd Jan., 1732. 1¼ pp.

93. iii. Encouragements for settlers proposed by the Assembly in an act which did not pass the Council. 1 p. [C.O. 137. 54. ff. 39-41r., 43. 43r., 44.]

Feb. 20.
N. Carolina.

94. Governor Burrington to the Council of Trade and Plantations. *Abstract.* It must appear very surprising, that though he was received by the people with the greatest demonstrations of joy, when he published H.M. Commission, the late Assembly would not pass one of the acts recommended in his Instructions, or proposed by him, solely for the ease of the people. He had been seven or eight weeks in the country, and held discourses with the leading men, who seem'd very well satisfied with all he said to them of his Instructions, except the paying their quit-rents in cash, and the great advance of rents for the lands to be taken up. Immediately before the Assembly met, Mr. Rice the Secretary and Mr. Ashe came together from Cape Fear to Edenton the seat of Government. Till then, there was no dispute in Council: but the business before it was transacted with harmony. Mr. Ashe began immediately to oppose the Governor in Council, and in time gained Mr. Smith and Mr. Porter to join him. "Moseley Speaker of the last Assembly and one James Castellaco a very factious Assembly man, came to me the third day after the assembly met, and desired me or rather required me, to give my assent, to an act of Assembly to confirm the pretended laws made here in 1729 after the King's purchase: this I absolutely refused, there being many things in them acts contrary to H.M. service, and such as I am forbid by my Instructions to pass: I was allso publickly and privately solicited to use my interest and endeavours, that possession of the lands, sold and granted by Sir R. Everard and the late Council, should be confirmed to the purchasers; this I denied " *etc.* This occasioned the cool answer of the Representatives to his Speech, and their subsequent behaviour. Their Journals show how much he was in the right. On Mr. Smith's defection Mr. Rice went to South Carolina, and the Attorney General was obliged to go to Virginia, where his wife was dangerously sick. Ashe, Smith and Porter thus gained their end, for the Governor's vote now made but an equality in the Council. He therefore put an end to that session. Has given characters of Smith and Porter in former letter. Ashe is an ungrateful villain. Cornelius Harnett is a disgrace to the Council. Bred in Dublin, and settled at Cape Fear, he was set to be worth £7000, but is now known to have traded with other men's goods, not worth anything, and reduced to keep a publick house. The behaviour of Ashe and Harnett in Capt. Tate's affair is shown in the Council's Journals. " It is a misfortune to this Province, and

1732.

[94]

to the Governor in particular, that there are not a sufficient number of Gentlemen in it fitt to be Councillors, Justices nor Officers in the Militia *etc.*, there is no difference to be perceived in dress and carriage, between the Justices, Constables, and planters that come to a Court, nor between the Officers, and private men, at a muster, which parity is in no other country but this. Sir Richard Everard *etc.* had the meanest capacity, and worst principles of any gentleman I ever knew, his administration was equally unjust, and simple, he was under the direction sometimes of one sett, then of others, who advised him for their own interest, and being incapable of judging, was led to do anything they put him upon, which brought infinite confusion on the country, every man did as he pleased, the Militia which was very good, became so neglected, that very few men now have serviceable arms: the roads so neglected that in my last progress I not only found them troublesome, but dangerous to pass." *Is astonished* that Sir Richard complained against the late Secretary, and Surveyor, for granting the King's lands, when it was himself: that the Secretary advised him against it has been proved: that the Surveyor Edward Moseley and Sir Richard were perfect friends, is as well known, as Sr. Richard and his son having a large part of those lands allotted them. Being informed that Moseley and his relations at Cape Fear (some of them his Deputies when Surveyor) used very unfair methods in their surveying and claiming lands they had no right to, by which means they imposed upon strangers, and induced many to pay them for lands, that they ought to have had the liberty of taking up, and that they held great quantities more then the patents mentioned, some of these were summoned before the Council in January. Moseley gave in an account the Governor knew to be false: others delivered him in Council evasive papers. The matter is deferred to a Council in March. "The frauds and concealments of Moseley and his relations will constantly occasion them, to oppose the act required in his Instructions to oblige all people to register their deeds for the lands they hold in the Auditor's Office: I judge such an act, and such a registry, to be for the advantage of all honest men in the country: without it the receipt of the quit rents intricate, and uncertain." The erecting a Court of Exchequer has been deferred to the coming of a Receiver, and Auditor. Gives his opinion, as commanded, that it is not only for H.M. service to have a constant Court of Exchequer, but absolutely necessary. The Chief Justice, the Secretary, Receiver and Auditor to compose the Court, but there must be a real, not nominal lawyer to preside. "Such a one I hope to see from England, there is not a man that professes the law here knows the proceedings of an Exchequer Court. Before the Receiver, and Auditor are present, I have thought the late Receiver's accounts could not be pass'd, and if H.M. declares the grants void made by Sir R. Everard after the purchase, he cannot have any money in his hands, for this reason allso, am of opinion his accounts should be deferred till the King's pleasure be known." *Explains* why he appointed two new Councillors, thinking there were no more than four in the country: but

1732.

[94]

Mr. Rice has returned, and Mr. Ashe had not gone to England, as reported. Gives an account of the former and present fees taken by the Governor and other officers. Some busy people complain, but not masters of ships. Trade is not lessened thereby, for more vessels have come this year than ever. Bills will be of great use to this country, if H.M. will allow them, but then there ought to be no rated commodities, both will cause confusion in trade. " Repealing the biennial act would cause the elections to be more orderly, and the persons chose to behave more decently in Assemblys then hitherto they have done, and if they serve at their own expence will be willing to do the business before them, and the best and most substantial men be chose. The settling Treasurers by the pretended Act in 1729 is taken from the method in New England, if this were suffered here, these men would have such an influence in elections, that scarce a man could be chose but by their approbation, in the Assemblys they must inevitably carry every matter in debate as they please. I hope the Lords of the Treasury will be pleased to appoint one Treasurer for the Province. In June last I was so extreemly busied in writeing letters, drawing up reports *etc.* and makeing up the Journals of the Council, and Assembly *etc.*, that I generally was confined to my pen twenty hours in every day *etc.*, and as there was not one person in confinement at that time, and haveing no assistance, I did not make out a commission for a Court of Oyer and Terminer *etc.*; in Dec., the Court sate, but found no business to do *etc.* The dangerous sickness I was afflicted with last autumn *etc.* prevented me from finishing the drafts of the harbours and the account of the Militia *etc.* In the latter, I have made some alterations for the ease of the people " *etc.* *Intends* to send both accounts in April. *Has had* several conferences with the Tuscaroras. He received some complaints against them from the Governor of Virginia, and settled their business to the satisfaction of all parties; they remain in perfect ease and quickness. On receipt of a letter in January from the Governor of S. Carolina to appoint boundary Commissioners, the Council advised him not to do so until he received an answer from England to his report. There are no fortifications in the country. *Recommends* the erection of a small fort on Ocacock I., where there is a secure harbour. No one thing would cause trade to flourish like settling a Custom House on this place *etc.* This would procure a trade from England, put an end to the pedling carried on by the Virginians and people of New England: to this place ships loads of negroes might be brought and sold well. Port Beaufort, and the harbour at Cape Fear, may be made secure by being fortified, but the country cannot bear the cost at present. These are the only three places fit for shipping to sail into *etc.* *Continues* :—It has been a policy of the subtle people of North Carolina never to raise any money but what is appropriated, so pretend, and insist, that no publick money can, or ought to be payd, but by a claim given to, and allowed by the House of Burgesses; insomuch that upon the greatest emergency there is no comeing at any money to fitt out vessells against a pirate, to buy arms, purchase ammunition, or on any

1732. [94]

other urgent occasion. This I hope will be redressed. The whole amount of the publick levys, and powder mony paid by shiping, little exceeds £200 sterling a year. It being hoped and belived here H.M. will be pleased to lett lands be granted at 2s. pr. hundred, a few warrants have been issued lately : to prevent all injustice and confusion, in this affair, I have altered the method used heretofore in this Government : which was to leave sign'd warrants in the Secretary's hands, to fill up as any man came for them, and very often the Deputy Surveyors, kept numbers in their possession, by which they made considerable advantages, by their management some people were injured, and others benefitted : to put an end to all unfair practices, the warrants are now all filled up before my signing, and directed only to the Surveyor General, who afterwards gives directions to his deputy's, all the warrants made out are centerd in a book at the Secretary's Office, when I sign them they are entered in another I keep on purpose, and when they come to the Surveyor's hands he do's the same. I know not any method more fair and just then this : desire to be further instructed by the Lords of Trade if they see cause, there are not any returns made of the surveys, by the time they come into the Secretary's office, I hope to receive a form from the Lords of Trade (as formerly desired) to make out the patents by. There seems to be extraordinary care taken in the 42nd. Instruction that people should not hold much land, but cannot answer the end designed, a very little money will purchase a vast quantity of land in North Carolina, any one may buy old patented land at this time, the quit rents at sixpence per hundred acres, under ten pounds sterling the thousand, the greatest price ever given in North Carolina for an improved plantation, buildings and all included, has not exceeded a thousand pound in bills, which sixty pounds worth of commoditys from England will sell for, the reason is, the small value the planters receive for their produce, a bushell of wheat is given for six penny worth of English goods *etc.* It cannot be expected that this Province should increase in people, if the quit-rents are higher here then in Virginia and other Governments that are more commodious upon many accounts and healthier. Great improvements may be made in North Carolina. Here is iron oar enough to serve all the world *etc.* Great quantitys of potash might annually be made, if the tru method was known. The soil in some places produces wild hemp, small parcels are cultivated, some I have seen has excelled in strength and colour any grown, or brought into England. Flax and cotton are very good and easily produced. Mulberry trees grow naturally *etc.* : this country is certainly as proper to produce silk as any in the world *etc.* ; the reason so little has been made, is that the very time required to look after the silk worms, is the season of planting and cultivateing rice, tobacco, Indian corn, and pulse. The soil and climate is particularly adapted for producing seeds to make oyl. I put several sorts into the ground when last in the country, the increase was beyond expectation. When this Province is better peopled, and more land cleared, these improvements and many others will increase the trade of

1732. [94]

Great Britain *etc.* The inhabitants are not industrious but subtle and crafty to admiration, allways behaved insolently to their Governours *etc.*, who lived in fear of the people and dreaded their Assemblys. The people are neither to be cajoled nor outwitted *etc.* They never gave a Governour any present, except Sir R. Everard, with him they agreed for £500 in bills to pass the pretended laws in 1729 *etc.* About 20 men are settled at Cape Fear from South Carolina, among them three brothers of a noted family whose name is Moore, they are all of the sett known there, by the name of the Goose Creek Faction. These people were allways very troublesome in that Government, and will without doubt be so in this. Already I have been told they will expend a great sum to get me turned out. Messengers are continually going and coming from Moseley and his crew to and from them. Notwithstanding these menaces, and the constant discourse that has pass'd here, almost from my first entrance upon the Government, that I should be superceeded by the contrivances of a gentleman in England, I have not been terrified, but acted with such resolution and firmness, that the Province was soon put in a quiet condition, and has so continued without any imprisonments or prosecutions *etc.* *Impatiently expects* the Board's commands. When the hopes of his being cashiered are extinguished, the factious people will alter their carriage. It is an insupportable grievance to them, that they cannot make him swerve from his duty *etc.* *Set out*, N.C. Col. Rec. III. 331. *Signed*, Geo. Burrington. *Endorsed*, Reed, 17th Aug., 1732. Read 1st Aug., 1734. 9 pp., (and abstract, 4 $\frac{3}{4}$ pp.) [*C.O.* 5, 294. *ff.* 84-86, 87-91, 92r.; and (abstract only) 5, 327. *ff.* 16-19r.]

Feb. 20.
N. Carolina.

95. Governor Burrington to the Duke of Newcastle. Duplicate of preceding, *mutatis mutandis*, concluding with assertion that his proceedings have been strictly just, and the hope that in another year his conduct will appear so much to his advantage "that your Grace will think me deserving a better Government, or an augmentation of salary in this." *Signed*, Geo. Burrington. *Endorsed*, R. Aug. 23rd. 9 pp. *Enclosed*.

95. i. Mr. Little to Governor Burrington. 28th July, 1731. Estimates the profits of the Attorney General's place at £100, proclamation money, now that, under H.E.'s administration, the law has its free course *etc.* The Chief Justice's perhaps 5 or £600 besides the salary of £60. "The Clerk of the Generall Court is under his appointment, whose fees are very valuable, and according as that point is managed it makes the value of the other more or less." If the circuits come to be settled, the value of the place will be considerably greater *etc.* *Signed*, William Little. 2 $\frac{3}{4}$ pp.

95. ii. Mr. Badham to Governor Burrington. 2nd Aug., 1731. Estimates profits of Chief Justice's place at £600 besides salary, when he was Clerk of the General Assembly, until "wonderfully hurt and diminished" by the

1732. [95. ii]

differences and divisions in the Province *etc.* *Signed*, W. Badham. *Addressed*. 2 pp.

95. iii. Mr. Lovick to Governor Burrington. Edenton. 3rd Aug., 1731. Estimates the value of the Secretary's office, on an average of seven years at £582 10s. ; but it is not so high as it was, owing to the high quit-rent *etc.*, " for it was a great inducement to the settlement of this little Colony that lands was to be taken up at a quarter the value that it was in our neighbouring province of Virginia and the quit rent being the same as in Virginia all newcomers into that province chose to come in here, but now that the taking up of land is made more difficult than it is in Virginia and the rent is double to what it is there, it will rather drive people from hence thither *etc.*, and I believe your Excellcy. is very senceable that this is the true ground for the stop that is put to all business, not one survey or patent having been made or issued since your Excelley.'s arrival, and I am affraid few will be made unless the quit rent is altered, for people will allways settle where they can live with most ease, and are least burthened. *Signed*, J. Lovick. *Addressed*. 2 $\frac{3}{4}$ pp.

95. iv. Mr. Forster to Governor Burrington. Edenton. Aug. 8th., 1731. On looking over the fees of the Secretary's Office, wherein he has acted for eight or nine years past, he finds that, for the last three or four years from the great distractions in the Government occasioned by the weakness of Sir Richard Everard its value has not exceeded £400 per ann., but before that was not less than £600. Is confident that, if the quit-rent of lands were no more than 2s. per hundred, as in Virginia, it would be worth considerably more than ever, from the vast number of surveys made at Cape Fear wh. is not yet patented, and the great quantities that would be every day taken up there and elsewhere. Till the quit-rent is lessened not one patent will be taken out, everybody choosing rather to loose their land than pay so high a quit-rent *etc.* For want of patents issuing, the Secretary's office is now worth £100 per ann., clerkships excepted. *Signed*, Robt. Forster.

95. v. Minutes of Council of North Carolina, 26th July, 1731–22nd Jan., 1732. Copy attested by Robert Forster. *Signed and sealed*, Geo. Burrington. *Endorsed*, R. 23rd Aug., 1732. 39 pp. [*C.O.* 5, 308. Nos. 13, 13i–v.]

Feb. 21.
Whitehall.

96. Minutes of Privy Council. Extracts of the several letters and representations from the Governor and Council of Jamaica relating to the sending the two Regiments to Jamaica *etc.*, and letters from Col. Cornwallis to the Secretary at War were read. Their Lops. were all of opinion, that there does not appear to them any reason for altering the orders already given for recalling the regiments (*v.* 5th Feb.), and that no new directions can be sent

1732. [96]

about filling up the Independant Companies, till an account is received of what is done in consequence of the late orders for that purpose. The letter to the Lords of the Admiralty inclosing the new cedula, was read and approved. 1 p. [*C.O.* 5, 36. f. 28; and (*original draft*) 30, 30r.]

Feb. 21. **97.** List of papers laid before the House of Commons pursuant to their address of 14th Feb. [*C.O.* 29, 15. pp. 260-263.]

Feb. 22. **98.** Mr. Carkesse to Mr. Popple. *Encloses following.* The Custom House, account of Barbados and the Leeward Islands was prepared from the accounts of the 4½ p.c. There being no such duty in Jamaica, the same was prepared from the accounts transmitted by the Collector, which only mentions the number of casks, so that the quantities cannot be ascertained *etc.* Signed, Cha. Carkesse. *Endorsed.* Reed. Read 22nd Feb., 173½. 1 p. *Enclosed.*

London.

98. i. Account of Sugar, Rum and Molasses exported from Jamaica to H.M. Northern Colonies in America, Ladyday 1726-1730.

Sugar.

	hhds.	teirces.	barrels.	casks.	pounds.
1726-7	212	—	188	64	—
1727-8	200	45	75	57	—
1728-9	259	29	221	75	6000
1729-30	214	27	101	59	—

Rum.

	Pun- cheons.	hhds.	teirces.	barrels.	casks.	galls.
1726-7	88	5	119	41	174	5000
1727-8	28	4	5	8	13	5000
1728-9	22	71	48	13	262	500
1729-30	99	—	—	4	275	—

Molasses.

	casks.	hhds.	teirces.	galls.
1726-7	253	116	1401	5000
1727-8	338	258	415	15,000
1728-9	1,218	898	699	18,000
1729-30	1,645	2011	1190	400

Signed, Jno. Manley. ¾ p.

98. ii. Account of sugar, rum and molasses exported from Barbadoes, Antego, Nevis, St. Christophers and Montserrat to the Northern Colonies in America, Ladyday 1726-1730.

Sugar (lb.).

	Barbadoes	Antego	Nevis.	St. Christopher	Mont- serrat.
1726-7	645,674	182,076	19,850	170,627	19,200
1727-8	650,973	180,673	79,350	222,409	52,850
1728-9	896,935	487,853	131,300	333,144	28,550
1729-30	549,147	204,431	81,029	61,890	19,000

1732. [98. ii]

Rum (galls.).

1726-7	686,214	63,625	—	1,400	3,519
1726-7	607,150	227,953	—	6,353	14,228
1728-9	838,643	384,230	100	5,700	8,817
1729-30	589,070	268,058	—	4,144	12,280

Molasses (galls.).

1726-7	45,055	11,199	5,445	112,186	6,320
1727-8	43,185	28,266	13,910	136,993	17,100
1728-9	57,635	54,187	22,671	140,480	15,665
1729-30	71,440	17,374	30,952	95,034	20,040

Signed, R. Parsons, Comp. Gen. 1 p. [C.O. 323, 9, ff. 100, 101, 102, 105v.]

Feb. 22.
Boston.

99. Mr. Byfield to Mr. Popple. *Refers to* enclosed. Is confident of redress by the Board and the Admiralty. *Continues*: His Majesty's great clemency to the people of the Province of the Massachusetts Bay hath taken a very extraordinary turn; who now seem encouraged even to wrest the Admiralty Court entirely out of the King's hands, as will plainly appear by the insults made here on his officers by prosecutions brought against them as criminals and extortioners. I have took the liberty to recommend Wm. Shirley Esqr. to the Lords of Admiralty in order to supercede Mr. Auchmuty, the present Advocate General, who instead of supporting the honour and dignity of the Court has in many instances endeavoured to lessen its jurisdiction and power *etc.* His son-in-law Col. Tailer is out of town, but hopes he will write on this affair to Mr. Popple, who knows him, by the next ship, *etc.* *Signed*, Nathal. Byfield. *Endorsed*, Recd. 21st, Read 26th April, 1732. 2½ pp. *Enclosed*.

99. i. Representation of Nathaniel Byfield, Judge of the Court of Admiralty in New England *etc.*, to the Council of Trade and Plantations. *Abstract*. *Cites* Charter of the Massachusetts Bay, whereby the Admiral jurisdiction is reserved to the Crown, and his Commission, which empowers him to take all fees and perquisites *etc.* according to the custom of the Court of Admiralty in England. Though the Judge of the Admiralty's fees were so settled by the Commission, Mr. Byfield did in 1702, upon advising with Govr. Dudley, settle his fees at a much lower rate than thus allowed, or those taken in any other of H.M. Colonies in America *etc.* In Oct. 1714, being in G. Britain and having no salary, and there being no fund for such salary, he resigned his commission and John Menzies was appointed in his stead. *Refers to* Act, now before H.M., continuing Act *to prevent the oppression of debtors*, making bills of credit lawful tender *etc.* Notwithstanding the Admiralty jurisdiction is reserved to the Crown by the Charter, and the Judges' fees settled by the King's Commission, an act was passed, 2nd Geo. I., in addition to an act *for regulating fees*, whereby among other Admiralty fees the Judge of the Admiralty's fee is settled at £1 for every

1732. [99. i]

definitive decree, with a penalty for taking more. At its passing, silver was at 8s. an oz. It is since risen to 19s., contrary to the Province law of 9 K. Wm. and the Act of Parliament 6th Anne, whereupon the act relating to debtors has been construed to extend to fees as well as to debts therein particularly specified, by which construction the said fees are reduced to $\frac{1}{3}$ rd. In 1728, upon the death of Judge Menzies, Mr. Byfield again accepted the commission of Judge of the Admiralty. To preserve the being of the Court of Admiralty, which must sink for want of complete fees for its officers, if paid in paper currency, now at 250 p.c. discount, he taxed the costs of Court to be paid in silver at 8s. pr. oz., or double in Province bills, moderating them thus far for the satisfaction of the people. An action was brought against him at the last Inferior Court of Common Pleas at Boston by Samuel Swazey, supported by Nathaniel Cunningham and others for extorsively taking more than his fee stated by the act. He and the Register of the Court of Admiralty have been threatened with indictments for extortion in the same case. Petitions have been presented to H.E. in Council for appointing special Judges to try the said action *etc.* Refers to proceedings of Council thereupon. There being no special judges yet appointed who will execute the commission, the Inferior Court of Common Pleas have adjourned to 7th Feb. to try the action, by which time other proper Judges may be appointed. The fees and perquisites from his office, at the present taxation, have not for three years exceeded £30 sterl. per ann., which will be reduced to £15 according to the forced construction of the law. The dignity of the Court cannot be supported by the present appointments, and the justice of the Court will be exposed to danger. He is ready to continue, whilst he can do so with honour, or to resign *etc.* Signed, N. Nathal. Byfield. 7 $\frac{1}{2}$ pp., with abstract, 4 pp.

- 99. ii. Copy of plea of Judge Byfield upon a suit against him (*v. preceding*). Endorsed. Recd. 21st. Read 26th April, 1732. Copy. 3 $\frac{1}{4}$ pp.
- 99. iii. Act for relief of debtors *etc.*, 1731. Endorsed as preceding. Printed half sheet.
- 99. iv. *Lex et Libertas*. A letter published at Boston, Jan. 31, 1732. On the hardship suffered by civil officers through the fall in the currency, and arguing against the view that they are obliged (by the Act No. iii) to take bills of credit for their fees without making allowance of any difference between silver and bills. Anonymous (? by Mr. Byfield). Endorsed as preceding. Printed. 3 pp.
- 99. v. State of the case (concerning the schooner *William & Susanna*) upon which Mr. Byfield is sued on account of his fees. Same endorsement. Copy. 2 $\frac{1}{2}$ pp.

1732. [99]

99. vi. Certificate by Governor Belcher, 22nd Feb., 1732, as to the reliability of the following attestations by Josiah Willard, Secretary of the Province, and John Ballantine, Clerk of the Court of Common Pleas, and Benjamin Rolf, Clerk of the Court of Assize. *Signed*, J. Belcher. $\frac{3}{4}$ p.
99. vii. Petition of Nathaniel Byfield to Governor and Council of the Massachusetts Bay, Jan. 13, 1732. Petition for four special judges to be constituted for trying above action (*No. v.*). *Signed*, Nathl. Byfield. *Copy*. $1\frac{1}{4}$ pp.
99. viii. Governor Belcher's commission appointing Thomas Hutchinson, Thomas Fitch, Anthony Stoddard and Thomas Steel, Justices of the Inferior Court of Common Pleas of Suffolk County, to judge the above case (*No. v.*) 13th Jan., 1732. *Signed*, J. Belcher. With the advice and consent of the Council. *Copy*. $1\frac{1}{4}$ pp.
99. ix. (a) Petition of Nathaniel Cunningham of Boston, Attorney of Samuel Swazey of Salem, to the Governor and Council. Jan. 20, 1732. The special Judges (vii., viii.) decline sitting. Prays that four other Justices may be appointed, or three of the standing Justices, to avoid delay. *Signed*, Nathl. Cunningham.
- (b) Minute of Council. Upon reading above, Governor Belcher appointed Anthony Stoddard and Richard Bill, to which the Council did advise and consent. H.E. likewise named Leonard Vassal, to which the Council did not advise and consent. H.E. then named several others for the same office, but they were all excepted against by the Council. *Copy*. $1\frac{1}{2}$ pp.
99. x. Writ summoning Nathaniel Byfield to appear before the Court of Common Pleas in Boston to answer charge by Samuel Swazey of taking 40s. for his definitive decree in the case of the *William and Susanna*, his stated fee by the law being 20s. *etc.* 21st Dec., 1731. *Signed*, John Ballantine, Clerk. *Served by*, John Darrell, Depty. Sher. *Copy*. $1\frac{1}{2}$ pp.
99. xi. Presentments by Grand Jury, Boston, 2nd Feb., 1732, that Nathaniel Byfield, Judge, John Boydel, Registrar, Charles Paxton, Marshall, Robert Auchmuty, Advocate of the Court of Vice-Admiralty did twice unjustly and extorsively take fees in excess of those allowed by the act. *Signed*, Nicho. Buttolph, Foreman. *Copies, certified by*, Benja. Rolfe, Cler. 8 pp.
99. xii. Writ summoning N. Byfield to appear before the Court of Assize at Boston to answer above presentments. *etc.* 18th Feb., 1732. *Signed*, Benja. Rolfe, Cler. *Served by*, William Nichols, Depty. Sheriff. *Copy*. $1\frac{1}{4}$ pp. *Nos. vii-xii endorsed as covering letter*. [C.O. 5, 874. ff. 60-70v., 71v.-76, 78-80v., 82, 82v., 84-87v., 89, 89v., 91v.]

Feb. 22. **100.** Order of House of Commons. That the Commrs. of Trade and Plantations do lay before this House the Journal of

1732. [100]
the House of Representatives for H.M. Province of the Massachusetts Bay beginning 15th Dec., 1730. *Signed*, N. Hardinge. Cl. Dom. Com. *Endorsed*, Reed., Read 23rd Feb., 173½. ½ p. [C.O. 5, 874. ff. 38, 39c.]
- Feb. 23. **101.** Governor Belcher to the Duke of Newcastle. *Refers to* letter of Dec. last. The Assembly after sitting nine weeks would come into no measures for supplying the Treasury, agreeable to H.M. Instruction to me, altho' I prest it upon them in the strongest manner *etc.* *Prorogued* Assembly 2nd Feb. *Refers to* Journals and Acts transmitted. *Hopes to* receive by the first ship from London H.M. more particular directions respecting the supply of the Treasury, "which I have so often desir'd, and without which this Government will be lost, and H.M. subjects be left naked and defenceless." *Continues*: I am in the next place, My Lord Duke, to lay before you the many applications and complaints I have had the year past from great numbers of people that claim the lands in and about Pemaquid, where Coll. Dunbar has repair'd an old fort, formerly built by this Province, and has been continually disvesting those who insist on having a good and just right and title to those lands, and which they find included in the Charter of this Province, and in H.M. Commission to me, and they have therefore pleaded the protection of the King's Governour *etc.* *Finding* H.M. order of 30th Nov. 1730 and the opinion of H.M. Attorney and Solicitor General so strongly in favour of this province, and all private proprietors, they applied to the whole Legislature *etc.*, and the Council and Representatives have addressed the King that this province may enjoy what the Crown has vested it with by the Charter *etc.* "Mr. Dunbar's violent proceedings with the people, in threatening to tye them to trees and whip them, to shoot 'em and burn their houses *etc.*, has made several of 'em tell me they thought they liv'd in an English Government, and were not to be dragoon'd like French slaves *etc.* That gentleman's insulting behaviour will never be any service to the Crown in that part of the world *etc.* The people will not recede from any part of their right, but by being treated as Englishmen, I mean by a due course of law *etc.* *Hopes* H.M. will order that gentleman from off those lands, or fears there will be many mischiefs as the year advances *etc.* Some of the claimers have told him they will part with their lives as soon as their lands, which their ancestors purchased with their money and their blood *etc.* *Set out*, Mass. Hist. Soc. Coll. 6th ser. VI., 100. *Signed*, J. Belcher. *Endorsed*, R April 14. 4 pp. [C.O. 5, 898. ff. 438-439v.]
- Feb. 23. **102.** Governor Belcher to the Council of Trade and Plantations. Duplicate of preceding. *mutatis mutandis.* *Signed*, J. Belcher. *Endorsed*, Reed. 14th, Read 26th April. 1732. 4 pp. [C.O. 5, 874. ff. 92-93c., 94c.]
- Feb. 24. **103.** Order of King in Council. Approving Commissions for St. James's. Col. Cosby to be Governor of New York and New Jersey. *Signed*,

1732. [103]
W. Sharpe. *Endorsed*. Recd. 15th Aug., Read 7th Sept., 1732.
1 p. [C.O. 5. 1056. ff. 9, 10c.]
- Feb. 24. **104.** Order of King in Council. Appointing Benning
St. James's. Wentworth to the Council of New Hampshire, to supply one of
the four vacancies *etc.* *Signed*. W. Sharpe. *Endorsed*. Recd.
15th Aug., Read 7th Sept., 1732. 1½ pp. [C.O. 5. 874. ff. 140.
140r., 147r. and 5. 21. ff. 13, 13r.]
- Feb. 24. **105.** Order of King in Council. Appointing Joshua Peirce
St. James's. to the Council of New Hampshire *etc.* *Signed and endorsed as*
preceding. 1½ pp. [C.O. 5. 874. ff. 141, 141r., 146r. and 5. 21.
ff. 19, 19r.]
- Feb. 24. **106.** Order of King in Council. Appointing Benjamin
St. James's. Gamblin to the Council of New Hampshire *etc.* *Signed and*
endorsed as preceding. 1½ pp. [C.O. 5. 874. ff. 142, 142r.,
145r.]
- Feb. 24. **107.** Order of King in Council. Appointing Richard Waldron
St. James's. to the Council of New Hampshire *etc.* *Signed and endorsed as*
preceding. 1½ pp. [C.O. 5. 874. ff. 143, 143r., 144c.]
- Feb. 24. **108.** Order of King in Council. Approving representation of
St. James's. Council of Trade and Plantations, and ordering that Lt. Gov.
Dunbarr or the Lt. Governor of N. Hampshire for the time being
be added to the list of Councillors and take place as first Councillor
in that Province *etc.* *Signed and endorsed as preceding*. 1½ pp.
[C.O. 5. 874. ff. 148, 148r., 153r.]
- Feb. 24. **109.** Mr. Popple to Mr. Scrope. *Reply to 30th Dec., 1731, q.v.*
Whitchall. Major Gooch has some time since transmitted to my Lords
Commissrs. a copy of Col. Spotswood's charges upon his journey,
amounting to £1602 16s. 3d. But as he has sent no vouchers to
prove the several articles therein mentioned, they cannot judge
thereof, but are of opinion, that a letter should be wrote to
Major Gooch, directing him and the Council of that Colony to
examine into the said account, and if they find the same just and
true, my Lords Commissrs. have no objection to the payment
thereof upon the directions of the Lords of the Treasury for that
purpose. [C.O. 5. 1366. p. 84.]
- Feb. 24. **110.** Order of King in Council. Approving report of Com-
St. James's. mittee of Council for Plantation Affairs upon three representations
from the Council of Trade, and appointing John Ashley, Othniel
Haggat and Hugh Hall to the Council of Barbados *etc.* *Signed*,
W. Sharpe. *Endorsed*. Recd. 15th Aug., Read 7th Sept., 1732.
1½ pp. [C.O. 28. 23. ff. 28, 28r., 31r.]
- Feb. 24. **111.** Order of King in Council. Appointing George Phenny,
St. James's. Surveyor General of the Customs in the Southern district of
America, to be added to the number of the Councils of Virginia and

1732. [111]
S. Carolina, in the room of Mr. Fitzwilliam late Surveyor General
etc. *Signed*, W. Sharpe. 4½ pp. [*C.O.* 5, 21. *ff.* 17, 17*v.* and 5,
1233. *ff.* 11, 11*v.* 14*v.*]
- Feb. 24. **112.** Order of King in Council. Appointing John Taylor to
St. James's. the Council of Virginia in the room of David Bray, *decd.* *Signed*,
W. Sharpe. *Endorsed*, Reed, 15th Aug., Read 7th Sept., 1732.
1½ pp. [*C.O.* 5, 1233. *ff.* 10, 10*v.*, 15*v.*]
- [Feb. 25.] **113.** Charter of the Bahama Islands, Nov. 1st, 1670. *Printed*,
Endorsed, Read Feb. 25, 173½. 46 pp. [*C.O.* 23, 3. *ff.* 27, 34*v.*,
35*v.*]
- [Feb. 25.] **114.** Lease of the Bahama Islands from the Lords Proprietors
to Woodes Rogers for 24 years, 28th Oct., 1717. *Endorsed*,
Reed, from Sir Chas. Wager by the hands of Mr. Clayton, Read
Feb. 25, 173½. *Copy*. 21 pp. [*C.O.* 23, 3. *ff.* 36, 46*v.*]
- Feb. 26. **115.** H.M. Warrant appointing John Ashley to the Council
St. James's. of Barbados, in the room of Thomas Maycock *decd.* *Counter-*
signed, Holles Newcastle. *Copy*. [*C.O.* 324, 36. p. 313.]
- Feb. 28. **116.** Memorandum of H.M. warrant appointing Othniel
Haggot to the Council of Barbados, in the room of Timothy
Salter. [*C.O.* 324, 36. p. 314.]
- Feb. 29. **117.** Memorandum of H.M. warrant appointing Hugh Hall
to the Council of Barbados in the room of Thomas Davers,
resigned. [*C.O.* 324, 36. p. 314.]
- Feb. 29. **118.** H.M. Warrant appointing John Taylor to the Council of
St. James's. Virginia, in the room of David Bray *decd.* *Countersigned*, Holles
Newcastle. *Copy*. [*C.O.* 324, 36. p. 314.]
- March 1. **119.** Governor Burrington to the Duke of Newcastle. I
N. Carolina. have the honour with this letter to address a representation on the
affairs of N. Carolina to your Grace : I am very sensible of my
disability, and incapacity of writing anything worth your
Grace's reading : beg leave to assure my Lord Duke, that if he is
pleased to direct this province to be put upon the footing humbly
recommended in the said representation, it will soon be much
altered for the better, and become a countrey of trade and
reputation. Your Grace I hope has not forgot, that I made bold
to mention a suspicion I had of Coll. Bladen's ill intentions to me,
nor the generous answer you were pleas'd to give (*viz*) that if I
faithfully perform'd my duty I need not fear any man : I presume
to mention this, because it was reported in London, I should very
suddenly be turn'd out, the same has been constantly said here,
and declared particularly by Montgomery the Attorney General
the first day he came. I think myself bound in duty to inform
your Grace that Mr. Rice the Secretary, has neither attended the
Council, nor his office. I do all his business except receiving

1732. [119]
the fees. The Chief Justice and Attorney General of this Province ought to be men of understanding, and lawyers : neither of the persons your Grace bestow'd these places upon ever knew law enough to be clarke to a justice of the Peace. That there are people will continue villanys in this country and can procure others to swear them, is notoriously apparent by an inquiry I lately made by order of the Lords of Admiralty upon a complaint made by Edmund Porter to them against several gentlemen and planters, for designing to murder him, this examination is sent to Mr. Fury for delivery to their Lordships. Part of my adversaries in this Government are subtle and artfull, others ignorant and hotheaded, the last I am certain will say, or swear anything the others direct, therefore, I humbly desire your Grace not to credit the inventions, or accusations of ill designing men against me, before I have an opportunity of justifying myself. *Signed*, Geo. Burrington. 2 pp. *Enclosed*.
119. i. Minutes of Council of North Carolina, 28th March—2nd Aug., 1731. *Attested by* Robert Forster. *Signed*, Geo. Burrington. *Copy*. 52 pp. [*C.O.* 5, 308. Nos. 14, 14 i.]
- March 3. **120.** Governor Johnson to the Duke of Newcastle. Testi-
So. Carolina. monial in favour of Joseph Fox, who was Master in Chancery from 1728 till superseded by his Grace's Commission to Theophilus Gregory *etc.* *Signed*, Robt. Johnson. 1 p. [*C.O.* 5, 383. f. 1.]
- March 6. **121.** Mr. Fane to the Council of Trade and Plantations. Has no objection to 11 acts of S. Carolina passed Aug. 1731. *Signed*, Fran. Fane. *Endorsed*, Reed. 8th March, 173½. Read Jan. 19, 173¾. 2 pp. [*C.O.* 5, 363. ff. 15, 15 v., 18 v.]
- March 6. **122.** Governor Belcher to the Duke of Newcastle. *Announces*
Boston. death of Lt. Gov. Tailer, and "it being a favour commonly allow'd the King's Governours to name their Lieut.-Govnrs.," *proposes* Major Paul Mascarene in his place. As there is no allowance to the Lt. Gov. of the Massachusetts Bay, and the perquisites do not amount to £50 a year, he would not take the office unless he is allowed to hold his company in Coll. Phillips' regiment at Nova Scotia, or to sell, *etc.* *Set out*, Mass. Hist. Soc. Coll. 6th ser. VI. 103. *Signed*, J. Belcher. 2 pp. *Endorsed*, R. April 17th. 2 pp. [*C.O.* 5, 898. ff. 440, 440 v., 441 v.]
- March 6. **123.** Governor Belcher to the Council of Trade and Planta-
Boston. tions. Duplicate, *mutatis mutandis*, of preceding. *Signed*, J. Belcher. *Endorsed*, Reed. 17th. Read 18th April, 1732. 2 pp. [*C.O.* 5, 874. ff. 58, 58 v., 59 v.]
- March 7. **124.** Council of Trade and Plantations to the King. An act
Whitehall. was passed *etc.* in Carolina, 1726, *for the better settling of the Courts of Justice*. By this act the first process in civil actions was alter'd from a summons to a *capias* : against which several objections were made to us, by Mr. Lowndes, Provost Marshal *etc.*,

1732. [124]

with respect to the difficulty and danger that would attend the execution of the said *capias* : and the merchants of London trading to that province did likewise represent this manner of process, to be lyable to many inconveniencies, both from the method of proceeding, and the expence that would attend it. Whereupon we did by our letter of 2nd April, 1731, acquaint Col. Johnson *etc.* with our objections to the said act, and recommended it to him to propose the passing another law to the Assembly, wh. might institute the summons instead of the *capias*, and re-enact those parts of the abovementioned law, to which we had no objection. But Col. Johnson having acquainted us, by his letter of the 13th of August last, that he is afraid the people of South Carolina, will never again consent to pass a law for instituting the summons : and fresh application having been made to us by the merchants of London, humbly desiring that the law process in South Carolina may be as it was before 1726, by which means commerce will be put upon a more equal footing, than it is at present between the British merchants and the planters of that province, we therefore humbly lay the said act before your Majesty for your disallowance : upon which the process by summons will again be revived in So. Carolina by virtue of an act of that Province pass'd in 1720, entituled an Act *for the amendment of the law*. [*C.O.* 5, 401. pp. 28-30.]

[March 7.] **125.** Copy of grant of lands in Virginia by James II to Lord Fairfax. *Endorsed*. Recd. (from Mr. J. Sharpe) 7th. Read 8th March, 173 $\frac{1}{2}$. pp. [*C.O.* 5, 1322. ff. 228, 229, 230, 231, 231 v.]

March 8. **126.** Mr. Partridge to Mr. Popple. Thine of the 7 inst. I [1st mo. ye 8] have recd. and should with my nephew Belcher have attended ye Water Lane. Lords, but that my nephew is out of town, being gone to the Bishop of Lincoln's *etc.*, and I am not so well acquainted in the business relating to Atkinson as he is *etc.* Will send word when he returns *etc.* I remain, Thy Friend. *Signed*, Rd. Partridge. *Endorsed*. Recd. Read 8th March, 173 $\frac{1}{2}$. *Addressed*. $\frac{3}{1}$ p. [*C.O.* 5, 874. ff. 45, 50 v.]

March 9. **127.** Order of Committee of Privy Council. Referring Whitehall. following to the Council of Trade and Plantations for their report. *Signed*, Ja. Vernon. *Endorsed*. Recd. 21st March, Read 20th April, 1732. 1 p. *Enclosed*,

127. i. Representation of John Vat to the Lord President of the Council. London. March 7th, 173 $\frac{1}{2}$. On behalf of John Peter Purry and Swiss Protestant families designing to settle in S. Carolina, represents that on 23rd July, 1730, the Council of Trade recommended Purry for H.M. grant of 12,000 acres of land clear of quit-rents, in lieu of 48,000 acres granted him by the Lords Proprietors in 1725 for a settlement of Swiss Protestants. Purry, confident that such a grant would be made, set out with several other Swiss for South

1732. [127. i]

Carolina, and arriving in 1730 marked out a situation for a town on the north side of Savannah River. The Governor Council and Assembly being sensible of the necessity there is for a settlement of white men on their southern frontier granted £400 sterling towards transporting of Swiss Protestants and a further sum towards tools *etc.*, which provision, tho very considerable, with respect to the low condition of that province, yet in effect falls vastly short of the great charges necessarily attending such a settlement, since the very passage of 600 persons from England to Carolina amounts to £2400 sterl. To raise the sum necessary he applied to several gentlemen in London, who promised to lend him money on 12,000 acres clear of quit rents : but finding that the land intended as a reward of all his labour and expence was subject to the usual quit rents he could not prevail with them to advance the money. Notwithstanding which he is gone into Switzerland to prepare things for that design, which nevertheless will be rendered abortive unless H.M. shall be graciously pleased to grant him 48,000 acres subject to quit rents in lieu of the 12,000 acres clear of quit rents. He thinks he is more justified in this proposal since the grant of 12,000 acres clear of quit rents was in lieu of 48,000 acres formerly granted him by the Lords Proprietors, and without that quantity he hath no hopes of raising a sum of money sufficient to carry on this undertaking *etc.* He prays for grant of 48,000 acres subject to the usual quit rents after the expiration of 10 years, to be laid out contiguous to the said township called Purrysbourg on the great Yamasee Bluffe on Savanna River in South Carolina *etc.* Signed, John Vat. Copy. 2 $\frac{3}{4}$ pp.

127. ii. Copy of H.M. Additional Instruction to Governor Johnston for granting Purry 12,000 acres on terms. Cf. C.S.P. 23rd July, 1730. Copy. 2 $\frac{1}{4}$ pp. [C.O. 5. 362. ff. 83. 84-85. 86-86 (a), 86 (b) c.]

March 9.
Whitehall.

129. Council of Trade and Plantations to the Committee of the Privy Council. *Reply to* order of 10th March, 173⁰, referring back representation of 8th Sept., 1730. We have several times discoursed with the Lessees [*of the Bahama Islands*] about the surrender of their interest *etc.* They do not entirely found their demand upon the value of the remainder of their release, which has near seven years yet to run, altho' they have a right to grant all the lands in the Bahamas in perpetuity under a quit rent of one penny pr. acre, and do alledge that they have hitherto granted few or none of them : but they have represented to us that they did formerly pay £20,000 to the old Lessees of the Bahama Islands for the fortifications and other improvements made by them in the Bahamas : that they have also employed upwards of £20,000 more in sending over inhabitants, provisions and stores to those islands, and that they have further expended great sums

1732.

[128]

in dislodging the pirates who had settled themselves there, and in defending those islands from the attempts of the Spaniards. In consideration of these large disbursements, the Lessees hope it will not be thought unreasonable in them to desire an allowance of the same sum that shall be paid by the Crown to the Lords Proprietors *etc.* : which they think themselves the better entitled to, as these valuable islands would in all probability have been lost both to the Proprietors and to the Publick, had they not been preserved and defended at the expence of the Lessees : and for 6000 guineas they are willing to surrender their lease to H.M., whereupon considering the importance of the Bahama Islands to the English Navigation in America *etc.*, and how necessary it is that the lands and property thereof should be vested in the Crown as well as the Government, whereby people may be encouraged to settle there, when they know they can have a solid title and protection to depend upon : considering also the value of the soil which is capable of very great improvements : we do conceive it may be for H.M. service, and for the interest of his Kingdoms to comply with the demands of the said Lessees, by which purchase of the Bahama Islands to the Crown will be compleated, and if this should not (*sic*) be approved of, we would further propose that a demand may be made in Parliament for this purpose, and a bill brought in for making the said purchase effectual, agreeable to what has been already done in the case of Carolina. [C.O. 24. 1. pp. 209-212.]

March 11. **129.** Lt. Governor Dunbar to Mr. Popple. *Abstract.* Did Fredericksfort, not expect to have to add to his letter of 12th (? 14th) Feb., but a printed report by a Committee of the House of Representatives at Boston having been sent to him by a friend, he thinks it his duty to say something to the Board upon it. Has been advised to print an answer at Boston, but prefers to submit himself to H.M. pleasure and the opinion of the Board. Comments on the language of the report. The framers of it do not rightly understand the meaning of the words they use, for they charge him with *traducing* and tempting people to come to this settlement *etc.* There is another word, *purchasing* lands from him, of which he hopes they endeavour to send some proof. If directly or indirectly he has ever asked or received one farthing for any lot of land yet assigned, he gives his free consent to be hanged for it *etc.* " I never had a thought like it, nor could any gripeing man, or that way inclin'd ever make any settlement here, the wilderness, the Indians, bears, wolves, and cattts like tygers, with ye great distance from any neighbours, are discouragements sufficient without asking poor people for money, to come and settle here : and yet if I had mett with no opposition, those discouragmts. would have availed nothing, and ten thousand people would have been here, who are unsettled and waiting indifferent provinces the issue of this place and the disputes about it. Now I presume they will take it for granted that this settlement will not go on, and so the Massachusetts people will gaine their ends " *etc.* Thinks Governor Belcher will hardly send the report to the Board.

1732.

[129]

because, if he rightly apprehends the last clause of the Order in Council of 12th Nov., 1730. H.E. by suffering those proceedings, has acted directly contrary. He produced the order, and then the House printed it, and immediately proceeded upon that report *etc.* But Mr. Vaughan, son of the late Lt. Governor of N. Hampshire, who is come from Boston, says that the said last clause is there understood only to the forbidding of military execution against this place *etc.*, and in any case they were under no obligation to obey it as long as the Charter subsisted *etc.* " If Governor Belcher has acted herein conformable to the said Order, he will be justified, but were I in his place I should not have been induced to have suffer'd it ; but he has been allways an opposer of any settlements to the Eastward of Mereinack river, I mean in the Province of Main, which joins on Kennebeck river, near to which there was formerly a good settlement, a town named Augusta, and a fortification carried on by one Doctor Noyse who was married to a sister of Mr. Belcher's, notwithstanding which he was the chief occasion of breaking up that settlement and thereby ruined his sister and her family, and that country is yet a wilderness, and many miles about it, as is indeed most part of the Province of Main, except one line of townships along the seashore, and those onely extending eight miles back into the country *etc.* Refers to letter of Jan. 1730. This opposition of Mr. Belcher's to Eastern settlements will not seem improbable when it is known that the lands belonging to him in New England are to the westward of Boston *etc.* The people are much dispirited at this new report *etc.* Hopes that H.M. will order public satisfaction to be made to him for his treatment *etc.* As for the allegations in the petitions on which the report is founded, *rows that* in no town laid out by him has there appeared any sign of improvements or land formerly cleared except a very few acres about the fort, and at the town he has called Newcastle, formerly Shepscot. He never turned out one family or person, nor were there but two familys, and they twenty miles asunder between Arrowsick and George's truck house, which are 45 miles asunder, when he came, and they are where he found them *etc.* Repeats that he has reserved pine trees for the Navy on the west side of Shepscot river. But as the land was equally good on the east side, except that there were no large pines there, he offered to any of them as much as they would undertake on the King's terms. " Several accepted the offer, and I never made any distinction between them and English or Irish Protestants, tho' that is more than the New England people can say for themselves. H.M. European subjects are deemed and called foreigners there ; notwithstanding all this, many of the said people have proceeded to cutt great numbers of pines and oaks on the west side, and in particular John Burt in the winter preceding this did imploy men to cutt 154 large white pine trees to build a logg house or fortification as they call it, and this was proved to me by three of the men employed, but it was near 7 months after the fact was committed, so that by the Act *etc.* the penalty could not be recovered. I own that in September last I was at the said log house, but neither Roberts or

1732.

[129]

Whittimore, petitioners mentioned in the report were there or near it as I could hear of. I found in it a poor family sent thither to keep possession, but were almost starved, they told me that they had lived some days on roasted or burnt feathers, they really looked ghastly and frightfull, and were rejoiced to be invited, not *traded* to go and live among neighbours on the East side of the river : about 28 months agoe I found a number of people near the same place, left there by the petitioner Burt, and others, to cut white pines, I read the Act of Parliament and my Instructions to them, and forbid them to cutt any more, they were starveing, the last of their provisions haveing been then spent near 40 hours, I gave them some at my own cost, and being moved with their condition and complaints that they should loose that winter's work to the ruin of their familys, I gave them leave to cut some oak timber and assigned 'em a convenient place for it, and provisions which cost me £22 *etc.*, for which they drew a bill on Mr. Burt their imployer, who refused to pay it, tho' he carried away the oak timber they had so cutt, and I am so much out of pocket to this day. Whilst I was at the logg house above-mentioned about Sept. last, there came in 2 men who lived in a little hut by it, and being informed that they were some of those who had cut down the 154 large pines *etc.* I did tell them, and I believe might swear, that I would have them punished, and that the Judge of Vice-Admiralty for Nova Scotia was then at Fredericksfort before whom they should be tryed, and that nobody at Boston should protect them. I do not remember to have had any occasion to mention Mr. Belcher's name. If I did, it is very probable I might do it with indecency as they call it, and I believe any man that has heard how he has treated me, would be surprized I should speak of him otherwise : his own flesh and bones, as he calls his countrymen, who are immediately under his command, do not give him a good word, except those who have allways opposed H.M. instructions, who, notwithstanding, are his chief favorites and Councillours, among whom Doctor Cooke is the principal ; the names of the said two men I thus threatened were Patterson and Walcott, and I am credibly informed that the petitioner Roberts and Whittimore were at that time at Boston *etc.* *Encloses* Burt's instructions for making a settlement, *etc.* As to his carrying armed men with him, he never goes into the woods without some, and a gun in his hand. He never took one of the soldiers from the Fort, they being too few to keep it. *Continues* : Had I more, I should certainly never go without some of them, and then the New England people would complain loudly, they never will be good subjects until they have a good number of them amongst them, their constant behaviour evinces this, and in my humble opinion the sooner the better ; they are a numerous people and growing, and is a common saying among them that they could live independent *etc.* *Refers to* former letters. By his taking no notice of other parts of the report, begs it may not be imagined that he passes by the words *fraud and deceit* wch. they apply to him *etc.* As to the woods, this has been the severest winter for many years, and more snow, wch. is the

1732. [129]

harvest for logging or cutting pine trees and drawing them to the saw-mills, and two of my Deptys. being almost worn out with fatigue and unable to do their duty. I have been obliged to imploy others out of my own pocket. they write to me, that, in contempt of all authority more wast has been committed this winter than for many years, the people are encouraged by Coll. Byfield's acquitting 42 masts seized by my order last summer. and upon it granted execution against 2 of my Deputys for ye Court fees, and even for double what he ought to receive *etc.* *Recounts* case of Col. Byfield. Had hoped he would have been removed, there having been many complaints against him to the Admiralty. As long as he continues, it will be in vain to bring any offender before him, nor do his deputies care to venture being taken on his executions for costs of Court. Until some other is appointed, and the Act made stronger against offenders, he cannot do the service to H.M. which is expected of him. *Fears* that a sloop by which he wrote to Lord Westmoreland in January has been lost. Having no assistant, cannot keep copies of his letters, but remembers he begged his Lordship to recommend to the Board to represent the necessity of some soldiers in these parts. Two or three companies might be drafted from the regiments in Ireland without additional expence until the place was able to maintain them. *etc.* He could then send detachments of 20 men to cover each new town for one year, which would encourage the people, many of whom and their wives have terrible apprehensions from the Indians, who never yet offered any disturbance, but now show some uneasiness for want of presents, which he thought he had power to promise them *etc.* Thinks he could maintain the soldiers on English pay without the additional 2*l.* allowed in other places abroad *etc.* Truth will never stand in the way of Mr. Belcher and his party to ruin him *etc.* *Continues:* I have more friends in New England than he now has, but his interest will be now backed in England by the Quakers in whose favr. he has procured an act, and for ye Independents, wch. I believe my Lord Bishop of London's Commissary, there, complains to his Lordship has been refused to the Members of the Church of England, and I suppose he writes to his Ldsp. about the platform of their church discipline which I inclosed you in my last " *etc.* *Fears* his letters are tedious and confused. He wrote to Lord Westmoreland that if some new hemp and flax seed was sent every year, by April, he would hope to send large quantities to England to employ English spinners *etc.* Likewise, if 2 or 3 potash-makers from Poland and Russia were allowed an encouraging salary to come hither, they would be able to send enough of that commodity too, and so keep the money at home that now goes abroad to purchase it. The consumption of the wood wch. it would require would be a help to clear the land. Will endeavour to promote no manufactures, but what shall be to the advantage of England. If he could afford it, he would do these things himself, but the case is so far otherwise, that he never lived so hard in his life, and now is destitute of money or credit. " If I had any additional salary I would send upon an assignment of it for 500

1732. [129]

good serviceable armes all of one bore, and would disperse them among the settlers, who would pay me in hemp and flax, tho' I am persuaded H.M. upon their Ldps. recommendation would send so many and amunition for them, and if 50 or 100 blunderbusses were added, they would be usefull in defending houses or little garrisons in the country. If H.M. intends to carry on this settlement, I do not doubt but orders will be sent for building this fort and some artillery sent for it. Some gentlemen from N. Hampshire came hither lately to see me, and desired when I wrote to you to acquaint you that the Massachusetts Genll. Court have lately, as you will see by their votes, sold a township within their Province near Pennecook, wch. they apprehend the Massachusetts ought not to do until the boundarys between them are adjusted *etc.* I beg of you Sir to lay this before my Lords as soon as possible and favour me with their opinion and orders *etc.* *Signed*, David Dunbar. *Endorsed*, Recd. Read 12th May, 1732. *Holograph*. 17 $\frac{1}{4}$ pp. *Enclosed*.

129. i. John Burt to James Cristy. Boston. 30th Sept., 1731. Instructions to build him a log-house outside the township, w. of Sheepscut river *etc.* *Signed*, John Burt. *Endorsed as preceding*. *Copy, certified by*, James Cristy. 14 pp.

129. ii. Votes of the House of Representatives of the Massachusetts Bay, Jan. 11–15, 1731. *Same endorsement*. *Printed*, by Thomas Fleet. 10 $\frac{1}{2}$ pp. [*C.O.* 5. 874. ff. 99–114 r.]

March 11.
Bermuda.

130. Governor Pitt to the Council of Trade and Plantations. I do my selfe the honour to acquaint your Lordships, that a certain schooner belonging to Boston in New England, having some time since arrived here, and been discovered to have illegally taken on board in Maryland, a considerable quantity of tobacco which was clandestinely landed here, has occasioned a seizure, and condemnation of the said vessell and her cargo, in the Court of Admiralty of these islands, *etc.* *Encloses* copy of proceedings, which he hopes will meet with their Lordships' approbation. *Signed*, John Pitt. *Endorsed*, Recd. 5th June. Read 12th Sept., 1732. $\frac{3}{4}$ p. *Enclosed*.

130. i. Copy of trial of the sloop *Rebecca*, referred to in preceding. St. George's, 24th Feb., 1732. *Same endorsement*. 17 pp. [*C.O.* 37. 12. ff. 105, 106 r.–115, 116 r.]

March 16.
Jamaica.

131. Governor Hunter to the Council of Trade and Plantations. By this conveyance, H.M.S. *Lyon*, I have the honor to transmitt to your Lordships together with the duplicates of my last by Bradshaw of Bristol, the seven acts pass'd in last session of Assembly here, and the Journals and Minutes of Council and Assembly. The act *for raising several sums etc.* received my assent on the 29th of Jany. Before it receiv'd that the Assembly agreed to an expedient as to the clause relating to the high impost on convicts, that was an engagement to pass an act in the same session repealing that clause in the other act, which was accordingly pass'd and is one of the seven now sent. On the 6th of

1732. [131]

February following I receiv'd H.M. Instruction relating to dutys on slaves imported *etc.* There being in this act abovemention'd no other or higher dutys impos'd on slaves then what had been for a long course of years without complaint, and interfering with no Instruction of which I was at that time possess'd, I thought my self sufficiently impower'd and warrant'd to pass it. I however immediately lay'd that Instruction before the Council and Assembly. The effect it had was a joint address of both to H.M. with their request to me to transmitt it, which I accordingly did to his Grace the Duke of Newcastle *etc.* and now send a duplicate *etc.* I cannot make the least doubt of your Lordships recommending to H.M. a gracious condescension in the matter of that duty the apprehension of the consequences of that Instruction having struck such a damp upon publick credit that we know not where to find money for immediate exigencys not to mention the expens of the Government and contingencys, and altho' I am near to three quarters behind as to my sallary, had I not sent and procur'd a small loan for the use of the partys order'd out against the slaves, that service must have been disappointed and the rebels encourag'd to greater mischief. I think the other acts require no remarks only in the Additional Duty act which altho' it continues the additional pay to the Officers of the two Regiments strikes off that of the private men from the 8th day of February which was judg'd of no consequence seeing they were almost all inlisted in the Independent Companys or engag'd in the country service, and that it was expected they should immediately imbarke being assembl'd at Port Royal for that purpose, and nothing but Rear Admiral Stewart's being at Port Antonio prevented it. I shall use my best endeavours to get it allow'd somehow to the day of their imbarcation which is to-morrow. The party fitted out against the slaves consisting of 93 arm'd negroes and five overseers, white men 46 soldiers including officers and 28 baggage negroes march'd from Liguanea on the south side of the island fifteen days ago. I have no account of them or from them since their march. The other party from the north side or Port Antonio who were to have march'd off about the same time did not march till some day last week being retarded by the delay of the ship with provisions which by contrary winds was kept at sea above a fortnight. That party consists of 86 white and 131 blacks arm'd and 61 baggage negroes. Could they have attackt the rebels as it was projected about the same time on the opposite quarters I should have had good hopes of success, but as it is I cannot flatter myself or promise your Lordships that the affair will have an issue answering the effort and expens. I expect every moment an account from them which I shall send whatever it be by the first ship for England *etc.* Signed, Ro. Hunter. Endorsed, Reed, 16th May, Read 12th Sept., 1732. 4 pp. [C.O. 137, 20. ff. 62-63 v., 64 v.]

March 16.
Jamaica.

132. Governor Hunter to the Duke of Newcastle. *Repeats* part of preceding, of which he encloses copy. *Continues:* I assure your Grace the interests of this island require your attention

1732. [132]

and care: our publick credit sunk, the planter dispirited by the increase and success of the slaves in rebellion, the decrease of white people and decay of trade, the giddy measures of one part of our Legislature promoted by the artifices of a crafty man who's study it is to perplex and imbroil publick affairs, having the ascendant over a number of unthinking men and such as during the lethargy of others as I may call it got themselves by his interest elected merely for protection, these circumstances call for a remedy beyond the limits of my power or capacity, and make this island a proper object of H.M. compassion as well as paternal care. The precarious state of my health and the perplexity of my private concerns induc'd me humbly but earnestly to beg a favour which I formerly obtain'd and has not been refus'd to others, that is H.M. leave to go to England for six months. If I obtain it I assure your Grace I shall not make use of it unless it may be done with safety to H.M. service here, and if it should be his royal pleasure that I should return hither, I shall do it cheerfully let the consequence to me be what it will. *Signed*, Ro. Hunter. *Endorsed*, R. 15th May. 2½ pp. *Enclosed*.

132. i. Duplicate of Hunter to Council of Tr de preceding. [C.O. 137. 54. ff. 46-49 v.]

March 16. **133.** Mr. Popple to Mr. Carkesse. My Lords Commissioners
Whitehall. *etc.* having under their consideration a dispute between Mr. Belcher *etc.* and Mr. Atkinson, late Deputy Collector of the Customs, N.H., *etc.*, desire to know whether Mr. Atkinson acted by virtue of any deputation from the Commissioners of H.M. Customs. [C.O. 5, 917. p. 32.]

March 17. **134.** Council of Trade and Plantations to the King. Recom-
Whitehall. mend for Confirmation Acts of New Jersey, 1730. (i) *for the support of Government etc. by issue of £20,000 in bills of credit etc.*, (ii) *prescribing the forms of declaration of fidelity etc.*; But the Act *imposing a duty on persons connected of heinous crimes*, "seems to be intended to prevent the importation of convicts from Great Britain, in pursuance of the several acts of Parliament made for that purpose, we therefore beg leave humbly to lay the same before your Majesty for your disallowance." [C.O. 5, 996. pp. 283, 284.]

March 18. **135.** Mr. Carkesse to Mr. Popple. In reply to enquiry about
Custom ho., case of Mr. Atkinson, encloses following letters. *Signed*, Cha.
London. Carkesse. *Endorsed*, Recd. 18th, Read 23rd March, 173½. 1 p. *Enclosed*,

135. i. Commissioners of H.M. Customs to Governor Belcher. London, 18th Nov., 1731. *Reply to* letters of 26th July and 31st Aug. It appearing that Mr. Atkinson was appointed only to act for Mr. Devereux Bacon, Surveyor Genl., now deceased, he should have submitted to your appointment, wch. we have signified to him *etc.* Mr. Reynolds, the established Collector, being now returned to New England, he must execute that office pursuant

1732. [135. i]

to the deputation *etc.* he has received from us *etc.* *Request* him to have the seal he has had cut broken in Mr. Reynolds' presence. Will order the salaries of those who have served as Collector to be paid when they receive the accounts *etc.* *Signed*, J. Stanley, B. Fairfax, J. Evelyn. R. Baylis. *Copy*. 1 p.

135. ii. *Same* to Mr. Reynolds, Collector of Piscataway. 17th Nov., 1731. Instructions in accordance with preceding. *Same signatures*. *Copy*. 1 p. [C.O. 5. 874. ff. 46, 47, 48, 49 v.]

March 21.
Whitehall.

136. Duke of Newcastle to the Council of Trade and Plantations. *Encloses* following and signifies H.M. pleasure that the papers desired be laid before the House. *Signed*. Holles Newcastle. *Endorsed*. Recd. Read 21st March. 1732½. ½ p. *Enclosed*,

136. i. Address of the House of Lords to the King. 20th March. 1732½. Address H.M. that the Commrs. of Trade be ordered to lay before the House their report of 21st Jan. to H.M. on the petition of merchants for the more easy recovery of debts in the Plantations with H.M. Instructions to the Governor of Jamaica. Journal of Assembly of Virginia relating to that subject and Act of Virginia *declaring how long judgments, bonds etc. shall be in force etc.* *Copy*. ¾ p. [C.O. 323, 9. ff. 106, 107, 109 v.]

March 23.
Whitehall.

137. Order of Committee of Privy Council. Referring back to the Council of Trade and Plantations their report upon the Bahama Islands *etc.*, (v. 9th March, No. 128), to take proof of the matters alleged and to inform themselves of the exact amount of the quit-rents paid yearly *etc.* *Set out*, A.P.C. III. p. 197. *Signed*, Ja. Vernon. *Endorsed*, Recd. 3rd, Read 21st April. 1732. 1¼ pp. *Enclosed*,

137. i. Copy of Representation of 9th March. 3 pp. [C.O. 23, 3. ff. 47-49, 50 v.]

March 23.
Whitehall.

138. Duke of Newcastle to the Council of Trade and Plantations. I have laid before H.M. your letter, with the several papers annexed, relating to the incroachments that the French are said to be making on the Colony of New York : and the danger to which the trade and security of that Province may be exposed thereby, if no measures should be taken to prevent their further progress : and H.M. has commanded me, to refer that matter to your consideration, and to signify to you His pleasure, that you lay before him your thoughts upon this subject, and the methods which, in your opinion, may be proper to be taken, to put a stop to those encroachments. *Signed*. Holles Newcastle. *Endorsed*, Recd. 23rd. Read 28th March. 1732. 1 p. [C.O. 5, 1055. ff. 238, 239 v.]

March 23.
Whitehall.

139. Duke of Newcastle to the Council of Trade and Plantations. *Encloses* following *etc.* It is H.M. pleasure that you

1732. [139] accordingly comply *etc.* *Signed*, Holles Newcastle. *Endorsed*, Reed., Read 23rd March, 1732 $\frac{1}{2}$. $\frac{3}{4}$ p. *Enclosed*.
139. i. Address of the House of Lords to the King. 22nd March, 1732 $\frac{1}{2}$. That the Board of Trade may be directed to lay before the House the several Representations laid before them from the Sugar Colonies and the proceedings had thereupon before that Board. *Copy*. $\frac{1}{2}$ p. [C.O. 28, 23. ff. 5, 6, 8 v.]
- March 24. **140.** Petition of the Clerks of the Office to the Lords Commissioners for Trade and Plantations. Mr. Burrish having been appointed Solicitor and Clerk of the reports, upon the increase of business in 1730 for so long as the Board should judge necessary, with an allowance of £200 per annum, the Secretary and Clerks offered him to be an equal sharer of fees (*v.* 12th Aug., 1731) with them, although he is not upon the Establishment, which he refused and demanded an equal division with the Deputy Secretary *etc.* This would considerably lessen each of petitioners' shares. Since petitioners are not eased in the copying of papers by the said officer, and several of them have been upwards of 20 years in the service of the Commission, *etc.* *pray the* Board's approval of their offer *etc.* *Endorsed*, Reed., Read 24th March, 1732 $\frac{1}{2}$. 1 $\frac{1}{2}$ pp. [C.O. 388, 80. ff. 41, 41 v., 42 v.]
- March 25. **141.** Office expenses of the Board of Trade. Christmas, 1731—Lady Day, 1732. *See* Journal of Council. *Endorsed*, 28th March, 1732. [C.O. 388, 80. ff. 43, 44 v., 47, 48 v., 49, 50 v.]
- March 27. **142.** Order of House of Lords. That the Commissioners for Trade do lay before this House a Journal of the Assembly of the Massachusetts Bay 27th May—16th Dec., 1730; the Acts passed in New York, New England, and Virginia for preventing the sale of rum to the Indians: extract of their report in 1721 relating to the trade from New England to the French Islands: and extract of report by Cadwallader Colden *etc.* so far as the same relates to the navigation of the River of Canada. *Signed*, Wm. Cowper, Cler. Parliamentor. 1 p. *Endorsed*, Reed., Read 29th March, 1732. 1 p. [C.O. 323, 9. ff. 110, 113 v.]
- March 27. **143.** Governor Johnson to the Duke of Newcastle. Encloses following. The Council has reprieved Mc Cornick till H.M. pleasure be known *etc.* *Signed*, Robt. Johnson. 1 p. *Enclosed*.
143. i. Memorial of Robert Wright, C.J., S. Carolina, to Governor Johnson. Alexander McCornick was committed to gaol in Charles Town for the murder of Matthew Johnson in the Indian country in 1728, and by the testimony of one witness found guilty, Oct. 28, 1731. Prisoner alleged that he was assaulted by deceased with a knife, and caught up a pistol in defence not knowing it was loaded *etc.*: that his witnesses who attended several sessions to testify the same were now gone off the

1732. [143. i]

country : and that there being no prosecution against him for near three years, by law he ought to have been discharged out of prison : that he had been a great sufferer by so long an imprisonment, having spent his substance and lost his business *etc.* The Court recommend him as an object worthy of H.M. mercy. *Signed*, Robt. Wright, C.J. 1 $\frac{1}{4}$ pp. [*C.O.* 5, 388, ff. 42, 44, 44 v.]

[March 28.] **144.** Petition of merchants, traders and masters of ships trading from the city of Bristol to Newfoundland to the Council of Trade and Plantations. *Petition similar to that from Dartmouth* (v. Feb. 8th, No. 74). 66 signatures. *Endorsed*, Recd. (from Mr. Wood) 28th March. Read 4th April, 1732. 1 large p. [*C.O.* 194, 9, ff. 150, 150 v.]

March 28. **145.** Council of Trade and Plantations to the Lords Commissioners of H.M. Treasury. Request payment of Office expences and Officers' salaries for quarter ending Lady Day. Account annexed. [*C.O.* 389, 37. pp. 335, 336.]

March 28. **146.** Governor Hunter to the Council of Trade and Plantations. With the duplicate of what I had the honor to write by H.M.S. the *Lyon* which sail'd on the 20th inst. with the remains of the Regiments I now send you such an account of the success of our partys as on this short warning I can do. As it was projected, the two partys fel in near about the same time, and to which we undoubtedly owe our success, as it well appears by the letters and journals from the Commanders, cyps of which I have transmitted to his Grace the Duke of Newcastle by this conveyance, Capt. Edward Ellis a Londoner, the originals of which I receiv'd by an express yesterday. We are now possess'd of the three chief settlements of the rebels, and may keep possession, if the Assembly which is to meet this day seven night will do their duty. I have given the necessary orders for their reinforcement and supplys of all kind in my power, and shall further advise your Lordships by other conveyances as I myself shall be advis'd *etc.* *Signed*, Ro. Hunter. *Endorsed*, Recd. 24th May, Read 12th Sept., 1732. 1 $\frac{3}{4}$ pp. [*C.O.* 137, 20. ff. 65, 65 v., 70 v.]

March 28. **147.** Governor Hunter to the Duke of Newcastle. *Repeats part of preceding* and encloses copies of papers received yesterday from Port Antonio. *Continues* :—That your Grace may the better understand them I think it necessary to inform you, that Peters is a partisan who as he has formerly done now commands a country party consisting of volunteers and arm'd negroes, Morrison formerly a serjt. but now commanding a party of the soldiers discharg'd from the Regiments who march'd with Peters in order to sustain him, Allen another serjeant commanding a like party of discharg'd soldiers who march'd with Sambo, a free negro, who has formerly done good service, and now leads a party of choice arm'd negroes who were to attack the rebels from this

1732. [147]

side as the others were to do as near to the same time as we could contrive it from the opposite. To this project of falling upon them from different quarters tho' attended with difficultys almost insuperable as your Grace may observe from the Journal of Allen, homely indeed, but true, we owe what success we have had: their wants must have been occasion'd by their mistake or missing the rout, Lamb having assur'd me that he would be in with them in eight days from his setting out, they are now possess'd of the three principal settlements of the rebels, and I have order'd a reinforcemt. of forty private men with officers from the two Independent Companys to be imbark'd this day for Port Antonio, and have given orders for the immediate supplys of provisions ammunition and other necessarys, and shall inquire into the grounds of Morrison's complaint of his men's behaviour, which I believe has too good a foundation. Two days before receipt of that express I had further prorogu'd the Assembly for a week, and they are to meet this day seven night, if I can prevail with them to meet; but such is the indolence of some, and spitefull artifices of others, that endeavours tho' for their own preservation are frequently defeated, or spoil'd by ingredients mixt with their acts and resolutions, which clog the whole, and your Grace well knows that little service can be done here without the assistance of a General Assembly *etc.* Signed, Ro. Hunter. *Endorsed.* R. 19th June. $3\frac{1}{2}$ pp. *Enclosed.*

147. i. Capt. Allen to Governor Hunter. Molly's Town and Diana's Town. 21st March, 173 $\frac{1}{2}$. Encloses Journal, and begs for dispatch of ammunition, provisions and shoes. A great many of the men are sick and lame besides the wounded *etc.* Signed, Christopher Allen. $\frac{3}{4}$ p.

147. ii. Journal of Capt. Christopher Allen. *Abstract.* Marched about 6 a.m., 27th Feb., 173 $\frac{1}{2}$, to Capt. Thomas Edlyne's in Liguanea, and thence at 4 p.m. to Distance Mountain. One deserter. Halted there Monday and Tuesday, himself being very ill with feaver and ague. 1st March, marched along the river, and next day "for New Liguanea up the sd. river and over 3 hills and the ridge of a damnd iron bound mountain which was not 5 inches wide in some places and came to a halt on the back of a mountain. All expecting to find a town in New Liguanea in the morning, were disappointed. Friday, the 3rd. Made over the mountain but found no town, came to halt in the heart of Yellow River. Several of our men sick with feaver and ague, and several sprain'd their arms and ancles in climbing the rocks and waterfalls, some cut their shinns *etc.* 4th—6th. Marched up the river, "and rais'd a very steep rocky mountain with two hammocks and ropes to pull us up and down to a halt in the sd. river. 7th. Rais'd a very high ridge of the Blue Mountain and came to a halt on a ridge where we had the sight of Port Antonio and Port Royal *etc.* Very

1732. [147. ii]

foggy and cold weather as ever I knew in England, the wind cut our faces. 8th. Still on the said mountain and without water this 36 hours and now came to a pond of standing water which was a vast refreshment to our people *etc.* All our provisions out. 9th. Still some miles up the sd. mountain, shott two pidgeons, no water this 24 hours, came to a halt near a hole of water all night which was not sufficient for all our men, all our provisions gone. 10th. Still over the mountain some miles and found a small spott of standing water where we came to a halt all night, very foggy and cold weather and our men very much jaded for want of provisions and water. 11th. Still over the sd. mountain, and came to a halt at the very top *etc.*, we had hard rains and blowing weather all this night which was enough to perish us all and no water this 24 hours. 12th. In the morning saw the three towns which seem'd just under us that we could get there to dinner at which we were all overjoy'd. *Describes* march down the mountain and along Back River in heavy rain. "By climbing up and down the waterfalls and hills several of our peices went off" and men were wounded *etc.* 15th. Got up just as day broke and march'd very hastily for the Town being very hungry and a great many of our men sick and almost starv'd came into the town and shott at one entrance before the lower town had the alarm by negroes, and then they came down very boldly and fought very hot all this day and night and wounded only two negroes in all this hot fray, but we could percieve as fast as we kill'd their men they dragg'd them away and buried to the number of 18 or 20. 16th. In the morning made a party of 50 shott to drive them from the lower town, but they ambusht our men and there engaged them very hotly for two hours *etc.* *Names* 14 casualties. "All this night they have been pouring volleys on our center guards and this day we burnt down 25 houses on the outside of the town and left 60 standing in the 2 towns in our possession." 17th and 18th. Still between whiles they are firing of volleys *etc.* A great many of our men sick and swelled legs *etc.* 19th. Their out scouts perceiving Capt. Peters coming down the river set several of their houses on fire and gone. 20th. Capt. Peters joins them, "with abundance of joy." *Copy.* 5 pp.

147. iii. Capt. Morrison to Governor Hunter. The Great Town. 22nd March, 173 $\frac{1}{2}$. In company with Capt. Peters, Capt. Creswell and Capt. Lee. we marched into the woods from the estate of Mr. Hobby the 15th of this inst., and on the 19th were ambuscaded within a mile of North River coming off from the Blue Mountain Ridge within two miles from the Negro Town, where Capt. Lee was shott, our pilot and one negro more.

1732. [147. iii]

We shott several of them (I believe), but we found but one, for their number was so great they carry'd them off *etc.* We followed them to the town, which when they found they could not defend they set on fire except seven houses in which we now live. I cannot say in this action my men behav'd themselves as they ought, but far from it, except Lt. Lamberth and half a dozen more. I have here but 24 private men, some of which are sick, and some others such cowardly fellows which make me repent I brought them out with me *etc.* If your Excellency shall think proper to send me a detachment of good men and directions I shall use my utmost endeavour to follow, for with what men I have it is impossible for me to keep the town *etc.* *Signed*, Andrew Morrison. *Copy.* 1 $\frac{3}{4}$ pp.

147. iv. Capt. Peters to Governor Hunter. The Great Negro Town. 22nd March, 1732. *Encloses* Journal. Could not start from Port Antonio sooner, as the schooner with supplies had not arrived, *etc.* The Gentlemen of the country have not done well, for instead of sending good able shotts they have sent a parcel of cowardly obstinate unable fellows who neither good words nor bad will do any good, some of whom are already run. My white men are far from answering my expectation. Asks for reinforcements of "good men both white and black" *etc.* *Signed*, Thos. Peters. *Copy.* 4 p.

147. v. Journal of Capt. Thos. Peters. 12th - 20th March, 1732. On 12th marched from the Rio Grande to Mr. Stringer's penn *etc.*; thence to Hobby's estate with great rain which disordered the men's arms, ammunition and provisions *etc.* 15th to Foxes Ridge *etc.* 17th. Through Soper's Old Town and crossed the right arm of the back river of Grande, to the foot of the Blue Mountain (18th) and marched up the same and took up on the top of the ridge in our old huts. 19th. Down the ridge to within a mile of the North River, which runs by the side of the rebels' cocoa piece, where we were ambuscaded by the rebels. Capt. Lee was mortally wounded *etc.* and one of our pilots, Hercules, and one other negro named Cuffee *etc.* We are certain we killed several rebels, but their numbers being so great, they carried them away and hid them so that we found but one, whose head and ears are cut off. 19th. We followed with all the haste that was possible the rebels down the river to the town, which we found on fire *etc.*, consisting of 120 houses, seven of which we saved *etc.* and rested this night. On 20th joined the Liguanea party, *as above etc.* *Copy.* 2 $\frac{1}{3}$ pp.

147. vi. Address of the Assembly of Jamaica to Governor Hunter. April 22nd, 1732. Return thanks for his speech, and will join their heartiest endeavours to his to improve the occasion of the success of the parties in the

1732. [147. vi]

N.E. *Continue* : The proper application of punishment we don't doubt will prevent any failure in the behaviour of the partys for the future, and if any further rewards are necessary we shall not be wanting *etc.* As we have much at heart the keeping of the ground already gained from the rebels, we shall pursue our former resolutions of erecting defensible barracks, which we hope will contribute to the better settling, and peopling those unsettled parts and prevent the desertion of our slaves for the future *etc.* If any of the funds shall be found deficient, our former engagements will be sufficient inducement to make them good, and as by H.M. gracious condescension his quit rents are now become applicable to the support of this his Government, we shall use our best endeavours to ascertain and collect the same, which may in some measure prevent new impositions upon the people *etc.* Will use all diligence and dispatch *etc.* *Copy.* 2 pp.

147. vii. Governor Hunter's Reply to preceding. 22nd April. Your resolutions are very agreeable to me, and when prosecuted to effect, will well deserve due acknowledgements from those you represent, and so be most acceptable to His Majesty, the true Father of all his people. *Copy.* $\frac{1}{3}$ p. [*C.O.* 137. 54. ff. 50-52, 54-56, 58, 58 v., 60, 62-63, 64, 64 v., 66 : and (abstract of covering ? by Mr. Delafaye) 137. 47. ff. 129, 129 v.]

[March 30
date of
receipt.]

148. Commodore Clinton to Mr. Popple. Sir, I shall endeavour as farr as laves in my power to lay before their Lordps. the present state of the trade of Newfoundland weh, wants proper regulacon and can be (in my opinion) no otherways done then by altering the Act pass'd in the 10th and 11th of King William relateing to the Newfoundland fishery, for the Governour to have full power and authority to put ye laws in execution as in other H.M. plantations, especially considering the maney frauds and abuses committed in all the parts of Newfoundland by the Admirals themselves, who are authoriz'd to administer justice in relacon to the fishery, which authority they make use of in their owne private trade to the detriment of all others, and have no manner of regard to the good rules perscrib'd in the said Acts then what just suits with their owne private interest and advantage. At the time that act past, the ships chiefly then imploy'd in the trade were purely for the takeing and curing of fish, weh, ships brought over with 'em great numbers of men to be employ'd in the fishery, their necessary provisions and craft for makeing their voyages, and after the fishing season was over return'd to England with their fishermen and servants, excepting those ships that carried their fish to markets. Those ships on their arrivall in Newfoundland did (pursuant to the Act of parliament) make up of so much of the ships roome as was necessary for the number of shalloops each ship imploy'd, and accordingly built their stages and flakes, and after ye season was over left all standing for the

1732.

[148]

benifitt of the fishing ships that came the year following, wch. was of very great advantage for the ships on their arrivall to find stages and flakes ready without the charge and trouble of building, but for many years past, that custome is left, few ships come purely on acct. of catching and curing of fish, except it be from Bideford and Barnstaple, but from Dartmouth, Timmouth, Topsham, Bristol, etc., instead of coming directly on ye fishery, leave Britain with just a sailing crew (ships that bring the passengers excepted) and many of them proceed for Ireland and load with provisions, soap, candles, linnen and woollen goods and great numbers of Irish Roman Catholicks, their cargoes they as admirals soone dispose off and take care to exercise their authority in receiveng all their debts and often more : the greater number of men now there are Irish Romans and those the scum of that kingdom who on the arrivall of the tradeing fishing ships are employ'd by their Commanders as fishermen on the Banks of Newfoundland : to make up the numbers wch. of right they ought to bring from Brittain, by wch. means the intencion of making the fishery of Newfoundland a nursery for seamen is totally frustrated, for those Irishmen few or none ever become seamen or are employ'd as such, it's to be hop'd some means may be found to prevent the yearly import of such numbers of those people. There is another most scandelous thing wch. is the admiralls and tradeing peoples entring in a violent manner on the people's flakes and stages and seizeing under pretence of debt (by force) what quantity's of fish and other goods they please : to prevent it I issued out an order, copy of wch. is here inclos'd, but tho' so necessary an order I don't suppose it will be regarded any more then others I have given out, unless I have a power to punish those persons that does disobey, wch. with submission to their Lordps. may be done by a fine as it is in the French fishery, and the money to be put into good secure hands to be laid out in repairing the severall churches, gaols and other charitable uses, and for want of some such, or some other their Lordps. will be pleas'd to think off, I doe declare it will be impossible to govern the sett of people that lives there, or that comes on ye account of the fishery *etc.* *Signed, Geo. Clinton. Endorsed, Recd. 30th March. Read 4th April. 1732. 3 pp. Enclosed.*

148. i. Proclamation of Commodore Clinton. H.M.S. *Salisbury*. 24th Sept., 1731. Whereas great complaint has been made to mee by maney of the inhabitants, boat-keepers and others that severall of the masters of the fishing ships and tradeing people to this place do take an unwarrantable liberty of entring in a violent manner on the said people's flakes and stages, and seize under pretence of debt (by force) what quantity of fish or other goods they please, without haveing any authority for so doing, and contrary to many former orders given by other Commanding Officers on this occasion, by which illegal practices masters are disabled from paying their servants wages, the poore servants are induc'd to beggary, *etc.* And whereas it appears to me that

1732. [148. i]

severall of the inhabitants, boatkeepers and others of this place proceed in a very scandalous manner towards each other, and doe frequently combine with persons to withdraw or secretly convey off their rooms all or the greatest part of their effects at the conclusion of ye fishing season, under pretense of answering as well their falacious and contriv'd, as real debts to the great prejudice, if not utter ruin of others to whome they are ready and justly indebted, and such as have perhaps during the winter season supply'd and furnish'd 'em with the necessarys and convenieney of life. Therefore by virtue of the power and authority to me given to regulate the fishery in all the ports of Newfoundland, I am determin'd to put a stop to those illegal proceedings, for the future they being growne too notorious to suffer any longer with impunity, and doe hereby strictly forbid any person wtsoever to enter upon or take from any flake, stage, etc. in the manner abovesaid, any fish oil or other goods without first obtaining leave from me for so doing, or in my absence from under ye hands of (at least) two of the Fishing Admirals on pain of the person so offending forfeiting double ye quantity of goods the complainant shall make appear was in such manner taken away, and if any person shall be convicted of clandestinely conveying away and making over his effects in order to defraud his just and honest creditors, the same shall be restored and a suitable punishment inflicted on ye person so transgressing. And for the future every master of a fishing ship inhabitant and others are to take notice that all debts that shall be hereafter contracted particular regard will be had to the time they were enter'd into, and according as they commence or supersede each other so they shall have preference in respect of payment. *Signed*, Geo. Clinton. *Copy.* 1 $\frac{3}{4}$ pp. [C.O. 194, 9. ff. 151-153 v.]

March 30. **149.** Lt. Governor Gooch to the Council of Trade and
Virginia. Plantations. This letter is to prevent your Lordships being alarmed by reports that in all likelihood will be brought home concerning the uneasiness of the people under the execution of our tobacco law; the whole truth of which is this: In the Northern Neck the Planters, who never yet willingly submitted to any laws, finding, during the moneths of January and February, no ship nor goods come into the country, concluded that the merchants were so much displeased with the law, that they would send none hither: when they did some of them arrive, the next thing that perplexed them was the news these masters of ships brought with them that the law would very quickly be repealed, so that some of the most turbulent among the planters, rather than their tobacco should be inspected burnt some of the ware-houses, upon the presumption that if they could by that means

1732.

[119]

put a stop to our proceedings, their trash which would not pass under the law, they might sell as usual when the repeal came in. Within the compass of a month, four houses were destroyed by fire ; but the arrival of some ships, and the methods I have taken, " that temper seems to vanish," and there, but more especially, in all other parts of the country the tobacco is brought to the warehouses as fast as the Inspectors can pass it. There are *etc.* other reasons which concur to raise clamours among the planters in some of the upper counties and Northern Neck : as first, bringing their tobacco under that strict examination prescribed by the law, hath detected their vile practice of false packing for which those planters have been a long time noted. Then it restrains the profit they used to make by cheating the buyers with trash, and obliges them to pay their quit rents with merchantable tobacco, which were formerly discharged with their very meanest stuff. It engages them to greater care and industry in the management of their crops for the future. So that no wonder, if people remote from the seat of Government, always remarkable for their disobedience, mingled with many transported convicts, should be ready to oppose everything that thwarts their interest by discovering and preventing their knavery. As I have by the advice of Council issued a Proclamation offering a reward of £100 cur. and pardon, for discovering the burners of these houses, (and others are almost built in their places) I doubt not to bring that part of the country to reason by punishing the principal offenders and movers of seditious humours, and I hope their behaviour will not be taken as the general disposition of the country, where there hath not happen'd the least disturbance. It must be confessed that not any one part of the country has been entirely free from a dislike to this law, but it is chiefly owing to the many idle and ridiculous stories industriously spread about by wicked men, with the people's ignorance of the law, and the severe treatment, they think it, with which its execution begins. But, my Lords, the inclosed Dialogue which I put together and published for their better information just after these disturbances broke out, has already done great service : and as the arguments are confined to that part of the law in which the poor planters are more nearly concerned, your Lordships will judge whether they have any reason to complain. My Lords, let what will happen be assured it does not proceed from any fault in the law, and if it meets everywhere with many enemies, 'tis because there are not so many honest men as As I am resolved to stand by the law, and only endeavour to reform some parts of it to make it more agreeable to the merchants, (a sett of gentlemen I will please if I can) I intend the Assembly shal meet for that purpose in May, unless I find the Members fall in with the tempers of the basest of the people who, particularly from the Northern Neck as yet, call for a repeal of it. Your Lordships shall know from time to time how we proceed, and I hope the best from the Assembly ; also if we do meet, shan't meddle with it unless they'l mend it, for as it is, let men say what they will, it is a very good law : your Lordships will excuse the hurry I write in, having had but little

1732. [149]

notice of a Bristol ship ready to saile with inspected tobacco *etc.* *Signed*, William Gooch. *Endorsed*, Recd. 8th May, Read 12th Sept., 1732. *Holograph*. 2 $\frac{1}{4}$ pp. *Enclosed*.

149. i. A Dialogue between Thomas Sweet-Sented, William Oronoco, Planters, both men of good understanding, and Justice Love-Country, who can speak for himself. Recommended to the reading of the Planters. By a Sincere Lover of Virginia [*i.e.* *Lt. Gov. Gooch*, *v.* preceding]. 18 *small quarto* pp. Williamsburg. *Printed by William Parks*, 1732. *Endorsed as preceding*. [*C.O.* 5, 1323. *ff.* 12-13 *v.*, 17-26, 28 *v.* : *and (abstract)* 7, 7 *v.*]

April 3.
Whitehall.

150. Duke of Newcastle to the Council of Trade and Plantations. My Lords, the King having been pleased to appoint Robert McCarty, Esq., commonly called Lord Muskery, Commander of H.M. ship the *Romney*, to be Governor of Newfoundland ; I am to desire you will accordingly prepare draughts of a commission and Instructions for him, in order to their being laid before the king for H.M. approbation *etc.* *Signed*, Holles Newcastle. *Endorsed*, Recd. 3rd, Read 5th April, 1733. $\frac{2}{3}$ p. [*C.O.* 194, 9. *ff.* 169, 172 *v.*]

April 4.
Westminster.

151. Sir Richard Lane and Thomas Winnington¹ to Sir Robert Walpole. Request him to recommend to the Duke of Newcastle, for the post of Clerk of the Markets in Jamaica, now vacant by the death of Mr. Peirce and worth about £50 Jamaica money, John Floyer junr., who is now going thither to reside at Kingston, and whose father "is a popular man with us at Worcester." *Signed*, Richd. Lane, T. Winnington. *Addressed*. $\frac{3}{4}$ p. [*C.O.* 137, 47. *ff.* 131, 131 *v.*]

April 4.
St. James's.

152. H.M. Warrant appointing Benjamin Gamblin to fill one of the four vacancies in the Council of New Hampshire. *Countersigned*, Holles Newcastle. *Copy*. [*C.O.* 324, 36. pp. 315, 316.]

April 4.
St. James's.

153. H.M. Warrant appointing Richard Waldron to fill one of four vacancies in the Council of New Hampshire. *Countersigned*, Holles Newcastle. *Copy*. [*C.O.* 324, 36. p. 317.]

April 5.
Whitehall.

154. Mr. Popple to Mr. Fane. My Lords Commrs. *etc.* having received a printed collection of the Acts of Connecticut *etc.*, which have been published there from the year 1715 to 1731, their Lordships *etc.* desire your opinion whether *etc.* any of them are repugnant to the laws of this Kingdom. [*C.O.* 5, 1294. p. 46.]

April 5.
Whitehall.

155. *Same to Same*. Encloses, for his opinion thereupon in point of law, six Acts of the Massachusetts Bay, 1731 ; (i) *Granting* £5,400 *for the support of Government etc.* ; (ii) *supplying the Treasury with* £540 ; (iii) *allowing necessary supplies to the Eastern and Western Indians and for regulating trade with them* ; (iv) *in addition to an act directing the admission of town inhabitants* ;

¹ M.P. for Worcester.

1732. [155]
(v) to subject the improved lands belonging to non-resident proprietors to be sold for payment of taxes etc. ; (vi) making more effectual provision for the calling of precinct or parish meetings. [C.O. 5. 917. pp. 33, 34.]
- April 5. **156.** Council of Trade and Plantations to the Committee of
 Whitehall. Privy Council. In pursuance of order of 3rd Feb., have heard Mr. Belcher jr., and discoursed with several persons, and received further information from them concerning the character and abilities of Mr. Atkinson. *Conclude :* In our humble opinion, the refusal made by Mr. Atkinson, to deliver up the seal of the Custom House to the Governor, *etc.*, being only an error in judgment, is not a sufficient reason against constituting him a member of H.M. Council there, whom from all the information that has been given us, we find to be a gentleman of good substance, of an unexceptionable character, and every way qualified to serve H.M. in that station. [C.O. 5. 917. pp. 34, 35.]
- April 5. **157.** Council of Trade and Plantations to the King. Offer
 Whitehall. for confirmation act of Antigua, 1731, *to enable Robert Oliver etc.* [C.O. 153. 15. p. 129.]
- April 5. **158.** *Same to Same.* Offer for confirmation act of Antigua,
 Whitehall. 1731, *to enable Henry Lyons etc.* [C.O. 153. 15. p. 130.]
- April 5. **159.** Council of Trade and Plantations to the Duke of
 Whitehall. Newcastle. Enclose following to be laid before the King. *Annexed,*
 159. i. *Same to the King.* Enclose following, which is in the usual form of Commissions for Governors of other Plantations. *Annexed.*
 159. ii. Draft of H.M. Commission to Gabriel Johnston, Governor of N. Carolina. [C.O. 5. 323. ff. 60 v.-61 v.]
- April 6. **160.** Council of Trade and Plantations to the Duke of
 Whitehall. Newcastle. Enclose following to be laid before H.M. *Autograph signatures.* 1 p. *Enclosed.*
 160. i. *Same to the King.* In obedience to your Majesty's commands *etc.* 23rd March, we have considered the papers *etc.* relating to the encroachment that the French are said to be making on the Colony of New York, and the danger which may result from thence to the trade and security of that Province *etc.* The Crown of France, having been always desirous to extend her Dominions in New France, has omitted no opportunity of encroaching upon her neighbours there ; and it has been frequent for the French to erect small huts or trading houses, under pretence of carrying on their commerce with the Indians, which in a little time they have converted into forts, and have afterwards set up an unjust claim to the property of the soil and the dominion of the circumjacent countries. It has been by these artful and

1732. [160. i]

illicit means, added to their natural industry and the zeal of their missionaries, that they have been able to draw over several Indian nations, and to establish a communication between their territories on the Continent of America, which lie on the back of the English settlements, from the entrance of the River St. Lawrence to the mouth of the Mississippi which opens into the Bay of Mexico. But with respect to the fort which they are now said to have built at a place called the Crown Point, within three days march of the City of Albany, we beg leave humbly to offer our opinion to your Majesty that this is a manifest breach of the treaties subsisting between the two Crowns since this fort is erected in the country of the Iroquois, commonly called by the name of the Five Nations or Cantons of Indians, who have had a very ancient dependance on the Province of New York, and who by the 15th Article of the Treaty of Utrecht are acknowledged without any reserve to be subject to the dominion of Great Britain. And therefore altho' the French subjects should by any artifice have obtained permission from the five Nations to make the settlement in question, that permission without your Majesty's special allowance and confirmation must be invalid. Wherefore we would humbly propose that your Majesty's Ambassador at the French Court may be instructed to insist in the most effectual manner, that the fort lately erected by the French at Crown Point, within the limits of your Majesty's Province of New York, may be immediately demolished. *Autograph signatures. Endorsed, Copy sent to E. Waldegrave. May 4th, 1732. 3 $\frac{2}{3}$ pp. [C.O. 5, 1086. ff. 49, 51-52 v., 53 v.; and 5, 1125. pp. 208-210.]*

April 6. **161.** Mr. St. John to the Council of Trade and Plantations.
Charles Town in South Carolina. In accordance with his Instructions to acquaint the Board with all affairs materially concerning H.M. interests, rights or revenue, *encloses* an account of the proceedings of the Governor, Council and Assembly relating to the granting H.M. lands and quit-rents. *Continues:* As there have som things happened in the course of these proceedings, of a very peculiar, and extraordinary nature, I thought it incumbent on me to lay the whole before your Lordships, in a formal and just light *etc.* (v. 6th Sept.). *Signed, Ja. St. John. Endorsed, Recd. 5th July, Read 6th Dec., 1732. 1 $\frac{1}{2}$ pp. [C.O. 5, 362. ff. 126, 126 v., 127 v.]*

April 6. **162.** Council of Trade and Plantations to the Duke of
Whitehall. Newcastle. Enclose following, relating to the disorders in Newfoundland, to be laid before the King. *Annexed,*
162. i. *Same* to the King. In obedience to H.M. commands, 23rd Nov. and 4th Feb. last, we have considered Capt. Clinton's letter *etc.* We have likewise received memorials

1732. [162. i]

from the people of Bristol, Dartmouth and Pool, concerned in the Newfoundland Fishery, complaining of the interruption given to the said fishery by the Justices of the Peace there, and having discours'd with the Right Honble, the Lord Vere Beauclerk and Captain Clinton, Governor of Newfoundland thereupon, we beg leave to represent to your Majesty,

That it does not appear to us that the Justices of Peace in Newfoundland have interfered with the Fishing Admirals in matters properly relating to the jurisdiction vested in the said Admirals by Act of Parliament, tho' by the memorials, copies, whereof are hereunto annexed, it is more than probable that they may have been guilty of other irregularities : but it appears to us, that the Fishing Admirals have been deficient in their duty neglecting to hold Courts for the regulation of the fishery, except in such cases where their own interest is chiefly concerned. However in order to prevent any foundation for future complaints, we humbly beg leave to propose, That Captain Clinton upon his return to Newfoundland, may be instructed to enquire into the truth of the memorials hereunto annexed, and to supersede such Justices of the Peace, as shall appear to have acted unwarrantably in the execution of their office : that he be likewise directly strictly to prohibit those who are or shall be appointed Justices to interfere in any degree with the fishing Admirals in such matters as are reserved for their jurisdiction by the abovementioned Act. But as many other things may be wanting both for the better regulation of the fishery and for the establishment of peace in this Island, we further beg leave humbly to propose to your Majesty, that Captain Clinton may be directed to be very particular in his observations upon these subjects, that from his returns to us thereupon we may be the better enabled to propose to Your Majesty such matters, as may be necessary for Your Majesty's service herein and for the benefit of the said fishery. [C.O. 195. 7. ff. 262-266.]

April 6.
Whitehall.

163. Council of Trade and Plantations to the Duke of Newcastle. *Enclose* following, "relating to the disorders committed in Newfoundland and the difficulty of settling peace and government there," to be laid before H.M. *Autograph signatures.* 1 p. *Enclosed,*

163. i. *Same* to the King. *Reply* to 23rd Nov. and 4th Feb. We have considered Governor Clinton's letter *etc.*, and received memorials from Bristol, Dartmouth and Pool, complaining of the interruption given to the Fishery by the Justices of the Peace at Newfoundland *etc.* Having discoursed with the Lord Vere Beauclerk and Captn. Clinton, *represent* :—That it does not appear to us that the Justices of the Peace have interfered with the

1732. [163. i]

Fishing Admirals in matters properly relating to the jurisdiction vested in the said Admirals by Act of Parliament, tho' by the memorials, copies whereof are hereunto annexed, it is more than probable that they may have been guilty of other irregularities; But it appears to us, that the Fishing Admirals have been deficient in their duty, neglecting to hold Courts for the regulation of the Fishery, except in such cases where their own interest is chiefly concern'd. However, in order to prevent any foundation for future complaints, we humbly beg leave to propose; That Capt. Clinton, upon his return to Newfoundland, may be instructed to enquire into the truth of the memorials hereunto annexed, and to supersede such Justices of the Peace, as shall appear to have acted unwarrantably in the execution of their office; that he be likewise directed strictly to prohibit those who are or shall be appointed Justices, to interfere in any degree with the Fishing Admirals in such matters as are reserved for their jurisdiction by the above mentioned Act. But as many other things may be wanting, both for the better regulation of the fishery and for the establishment of peace in this island; we further beg leave humbly to propose, that Capt. Clinton may be directed to be very particular in his observations upon these subjects; that from his returns to us thereupon, we may be the better enabled to propose to your Majesty such matters as may be necessary for your Majesty's service herein, and for the benefit of the said Fishery. *Autograph signatures. 3 pp. Enclosed.*

163. ii-iv. Copies of petition of Bristol, Dartmouth and Poole merchants.

163. v. Copy of deposition of Peter Shank.

163. vi. Copy of deposition of John Moors. [*C.O.* 194. 23. Nos. 42, 42 i.-vi.; and (*duplicates*) 42, vii.-viii.; and (*without enclosures* ii.-vi.), 195, 7. pp. 262-266.]

April 6.
Whitehall.

164. Duke of Newcastle to the Council of Trade and Plantations. *Encloses following.* It is H.M. pleasure that you do lay before them the papers desired *etc.* *Signed,* Holles Newcastle. *Endorsed,* Recd. Read 6th April, 1732. $\frac{3}{4}$ p. *Enclosed,*

164. i. Address of the House of Lords to the King, 5th April, 1732, for directions that there may be laid before the House a copy of an Act of Barbadoes laying a duty on foreign sugars imported *etc.*, with H.M. Orders in Council confirming the same, and also of the 96th Instruction given to the late Governor of Barbados and of the like Instruction to each Governor of H.M. Plantations. *Signed,* Wm. Cowper, Cler. Parliamentor. 1 p.

164. ii. Copy of preceding. 1 p. [*C.O.* 28. 23. ff. 9, 10, 11, 14 v.]

April 6.
Whitehall.

165. List of papers laid before the House of Lords pursuant to preceding. [*C.O.* 29. 15. p. 263.]

1732.
April 13. Admiralty Office. **166.** Mr. Burchett to Mr. Popple. H.M.S. *Salisbury* commanded by Capt. Clinton, and another ship of the sixth rate being designed this year for Newfoundland, and the *Sheerness*, Capt. Fytche, for Causeaux, *etc.* requests that Heads of Enquiry for them may be prepared *etc.* Signed, J. Burchett. Endorsed, Recd. 14th April, 1732. Addressed, 1 p. [C.O. 194. 9. ff. 154, 159 c.]
- April 13. St. James's. **167.** Order of King in Council. Repeating Act of New Jersey imposing a duty on persons convicted of heinous crimes *etc.* Signed, Temple Stanyan. Endorsed, Recd. 15th Aug., Read 7th Sept., 1732. 1½ pp. [C.O. 5. 972. ff. 240, 240 c., 243 c.]
- April 13. St. James's. **168.** Order of King in Council. Repealing Act of Bermuda to supply the deficiency of several funds *etc.* Signed and endorsed as preceding. 1½ pp. [C.O. 37. 12. ff. 101, 101 c., 104 v.]
- April 13. Whitehall. **169.** Mr. Popple to Mr. Attorney and Mr. Solicitor General. My Lords Commrs. *etc.* command me to send you the inclosed address and petitions to H.M. from the Govr. and several of the inhabitants of Rhode Island complaining of an act pass'd there against the Governor's consent for emitting £60,000 in paper bills : I am likewise to send you a copy of the Charter of this Colony, and to desire you will please immediately to consider the same, and to let my Lords have your answers to the Queries stated by the Govr. in his aforesaid address, and your opinion whether the King has any power to repeal or make void the law in question of which I send you a copy *etc.* Requests return of original papers enclosed. [C.O. 5. 1294. pp. 46, 47.]
- April 14. Jamaica. **170.** Governor Hunter to Mr. Popple. This morning your cousin [cousin] and my valuable friend our Attorney Genl. dy'd universally lamented *etc.* Has told the D. of Newcastle that he has apptd. Mr. Howe to officiate till H.M. pleasure be known. Continues : I had last night an expresse from Port Antonio which had nothing material. Our partys are in possession of the principal posts or settlements of ye rebels. I have sent thither by several vessels all necessary stores, provisions, ammunition, utensils and cloathing requisite or what has been demanded. The floods in the rivers on that side, have occasion'd delays and difficultys in the conveyance of these to ye mountains from the Brestwork, a post I had taken some time ago for communication and lodging of stores something more then one third of the route thither, but these are in some measure overcome, and I hope will soon be intirely so. Our Assembly which was adjourn'd at their own request after I had spoke to them as in ye inclos'd copie meets again on ye 17th inst. I know not what to promise from their session. That Instruction relating to dutys on negro's which came to hand in a blank cover, after I had pass'd an act for that duty in ye same maner and proportion as for many years before, struck them all of a heap, neither can they tell what way to turn themselves for fonds for the present exigencys at a most critical time should that act be disallow'd. This ship, Capt. Paxton, goes on so short

1732. [170]

warning, that I can add nothing but my most humble duty to the Lds. Commrs. and beg you'll communicate to them what I write in hast and some confusion.

P.S. As your cusing's death will make a vacancy in our Council, I beg you'll put their Losps. in mind of my former recommendation of William Gordon, Esqr., a person ev'ry way well qualify'd. He is left by Mr. Henderson a trustee for his estate and child, and has a very considerable estate and intrest in this countrey. *Signed*. Ro. Hunter. *Endorsed*. Recd. 16th June, Read 12th Sept., 1732. *Holograph*. 2 pp. *Enclosed*.

170. i. Governor Hunter's Speech to the Assembly. 5th April, 1732. *Abstract*. The success against the rebellious slaves is the occasion of their meeting : if supported and pursued, it may be improved to the future security and better peopling of the island. All orders, journals and letters necessary for their full information will be laid before them. Complaint is made in some of these letters of the behaviour of some of the men. He will give orders that the guilty be brought to trial and punished for examples, and does not doubt that they will cheerfully agree to reward such as have done their duty like men. "What gives me at present some solicitude is the desertion and backwardness of the baggage slaves, an account of which you'll find in Major Ashworth's last letters to me, there must be some immediate remedy for that evil" *etc.* Has ordered from time to time supplies to be sent to Port Antonio and thence to the Brestwork *etc.*, and has sent a reinforcement from the Independent Companies for a guard to the Brestwork and Port Antonio, so that all that are there in the country's pay may join the rest under the command of Allen and Morrison *etc.* Thinks this a most proper time for putting into effect their former resolves relating to the erection of defensible barracks in the North East unsettled part *etc.* *Urges* settlement of public accounts, most of their funds having fallen short of the sums proposed to be raised. Thinks the Deficiency Act will fall considerably short of the expence for which it was intended and hopes they will provide in time by some other act. Once more proposes an act for ascertaining and collecting H.M. quit rents, "which by His gracious condescension and grant are now your own. I am fully perswaded that such an act would raise a considerably greater sum than it has hitherto done, and in some measure obviate the necessity of new taxes" *etc.* *Same endorsement*. *Copy*. 3 pp. [C.O. 137, 20. ff. 66-68 v., 69 v.]

April 14.
Jamaica.

171. Governor Hunter to the Duke of Newcastle. Our General Assembly being met on the 5th of this month, I spoke to them as in the inclos'd copie. The season of the year, being that which most requires their presence at their plantations, induced

1732. [171] them to desire that they might have leave to adjourn till the 17th inst. which was by the Council's advice agreed to. *Repeats parts of preceding covering letter. Continues:* Col. Lilly, our Ingenier, has declined the command I had given him of all such forces as should be from time to time sent to Port Antonio *etc.*, and sent me back my commission for that purpose, which lays me under a necessity of sending such a commission to Major Ashworth, the Commissary and one of the chief Magistrates there, who, tho' but a Militia officer, will do the business as well and supply by diligence and zeal for the King's service what he wants in military experience. Our partys are in possession of the three chief rebel settlements, but I have as yet no account of what progress they make in pursuit of the rebels according to their orders, but expect it dayly by an other messenger, which shall be communicated to your Grace by the first ship *etc.*, as well as what mien our Legislature makes toward measures for their own security *etc.* I must not dissemble that the Instruction *etc.* (which I receiv'd only in the odd manner I mention'd *etc.*) relating to the dutys on negroes has struck a damp into most of the members' minds, and I am afraid will be a clogg to all wholesome and requisite resolutions and measures. *Signed*, Ro. Hunter. *Endorsed*, R. 17th June. 2 $\frac{2}{3}$ pp. *Enclosed*.
171. i. Governor Hunter's Speech to the Council and Assembly. 5th April. Duplicate of preceding encl. i. 2 $\frac{3}{4}$ pp. [C.O. 137, 54. ff. 68-71 v.]
- April 14. **172.** Governor Hunter to the Duke of Newcastle. Has Jamaica. appointed Thomas Howe to officiate as Attorney General till H.M. pleasure be signified *etc.* (v. April 14. No. 170). *Concludes:* If this nomination is not approv'd, I beg that an Englishman of integrity and resolution with a competent acquaintance with the laws (as this Gentleman is) be recommended to that office, upon the due execution of which the ease of the administration and H.M. service is a great measure depend *etc.* *Signed*, Ro. Hunter. *Endorsed*, R. 17th June. 1 p. [C.O. 137, 54. ff. 72, 73 v.]
- April 16. **173.** Col. Valentine Morris to Mr. Popple. *Refers to* appointment of Messrs. Morris and Duer to the Council of Antigua (v. 3rd Feb., No. 61). There being no Governor yet appointed and there being only six Councillors at Antigua, five of whom form a quorum, *suggests* that they should be enabled to sit in Council immediately on their arrival *etc.* *Signed*, Vall. Morris. *Endorsed*, Reed., Read 18th April. 1732. 1 p. [C.O. 152, 19. ff. 123, 124 v.]
- April 16. **174.** Samuel Barwick, President of the Council of Barbados, Barbados. to the Council of Trade and Plantations. *Encloses* Minutes of Council, 22nd Dec., 1730—31st Aug., 1731 and 14th Sept., 1731—15th Feb., 1732: duplicates of lists of causes in the Courts of Common Pleas, Jan. 8th, 1729—Sept., 1730, and Jan. 8, 1730—Sept. 1731; Treasurer's accounts, 27th Nov., 1730—27th May,

1732. [174]

1731 : copy of Excise Act and of Act for the punishment of runaway slaves etc. : Minutes of Assembly 27th April, 1731—4th April, 1732. *Continues* : I have taken care ever since Collo. Worsley's departure to keep things much in the same state and condition he left them in, but am sorry to observe that the same spirit which first appear'd about three years ago in the Assembly still continues or rather indeed increases notwithstanding the Gentlemen of the Council and myself have endeavoured on all occasions to promote a good understanding. I am determined however to adhere strictly to the Royal Instructions and shall be always ready to obey your Lordships' commands, so that I hope at least to be able to preserve H.M. Prerogative from being injured etc. and shall ever shew a disposition to promote the interest of his subjects etc. *Signed*, Samll. Barwick. *Endorsed*, Reed. 5th June, 1732, Read 23rd Feb., 1733². 2 pp. *Enclosed*.

174. i. Treasurer's Accounts for two quarters referred to above. By balance, 27th Nov., 1730, £4486 1s. 0½d. *Receipts* from duties on liquors and negroes imported (details given), £2582 11s. 4½d. and £2362 5s. 10½d. *Expenditure*, £531 10s. 0½d. and £1626 4s. 6d. Balance, £7330 7s. 4½d. *Signed and sworn to by* Byrch, Hothersall, Treasurer. *Endorsed as preceding*. 10 large pp. [*C.O.* 28, 23, ff. 40, 40 v., 42 v., 44-48 v.]

April 16. Barbados. **175.** Mr. Barwick to the Duke of Newcastle. Duplicate of preceding covering letter, *mutatis mutandis*. 2 pp. [*C.O.* 28, 40. *No.* 14.]

April 18. Whitehall. **176.** Council of Trade and Plantations to the Committee of the Privy Council. In pursuance of Order of 3rd Feb. [*No.* 55] enclose following :—

176. i. Draught of an Additional Instruction to Governors of H.M. Plantations in America. Whereas complaint hath been made to us, by the merchts. of our City of London in behalf of themselves and of several others of our good subjects of Great Britain trading to our Plantations in America, that greater duties and impositions are laid on their ships and goods, than on the ships and goods of persons who are natives and inhabitants of the said Plantations. It is therefore Our will and pleasure, that you do not upon any pretence whatsoever on pain of Our highest displeasure give your assent for the future, to any law, wherein the natives or inhabitants of the ——— under your Government are put on a more advantageous footing than those of this Kingdom. It is further Our will and pleasure that you do pay due obedience to the Instructions already given you, whereby you are expressly forbid to pass any law, by which the Trade or Navigation of this Kingdom may be anyways affected, hereby declaring it to be Our royal intention that no duties shall be laid in the ——— under your government

1732. [176. i]
upon British shipping or upon the product or manufactures of Great Britain, upon any pretence whatsoever. *Mem : in margin.* Maryland, Pennsylvania, Connecticut and Rhode Island instead of the words underlined¹ had ye following words : That you do not and are hereby expressly forbid to pass any law by which the trade or navigation of this Kingdom may be *etc.* [*C.O.* 324, 11. *pp.* 303–306.]
- April 18. **177.** Mr. Popple to Mr. Fane. Encloses Act of Barbados, 1723, *for supporting the honour and dignity of the Government*, and the petition of Mr. Worsley for recovery or arrears due upon it. *Concludes :* I am to desire your opinion whether any and what methods by law can be taken for recovering the same. [*C.O.* 29, 15. *p.* 264.]
- April 19. **178.** Henry and John Palmer to John Danvers. Recommend Col. Spencer Phipps (son of Sir. Wm. Phipps) in place of Lt. Gov. Tailer decd., as a person of great esteem and substance and 20 years Col. of a regiment in N. England. He would be much more acceptable to the people than Mr. Mascarene, a foreigner, who has the command of a company at Annapolis, many miles from Boston *etc.* *Signed,* Hen. Palmer, John Palmer. *Addressed.* 1 *p.* [*C.O.* 5, 898. *ff.* 442, 443 *v.*]
- April 20. **179.** Council of Trade and Plantations to the Committee of the Privy Council. *Refer to* Order of 3rd Feb., and propose that John Morris and John Duer should be immediately appointed to the Council of Antigua, it being “often difficult to assemble a quorum, from the frequent vacancies which happen therein, and from the absence of some of the Councillors ” *etc.* [*C.O.* 153, 15. *p.* 131.]
- April 22. **180.** Mr. Popple to Mr. Burchett. Enclosed Heads of Enquiry for Capt. Fitch with respect to the trade and fishery at Canco, as desired 13th inst. [*No.* 166]. *Mem.* The Heads of Enquiry were the same, *mutatis mutandis*, as those given to Capt. Waterhouse, March 30, 1731. [*C.O.* 218, 2. *f.* 254.]
- April 24. **181.** Mr. Burchett to Mr. Popple. Desires Heads of Enquiry Admty. Office, for Capt. Falkingham, now appointed to command the *Salisbury etc.* (*v.* 13th April, *No.* 166). *Signed,* J. Burchett. *Endorsed,* Recd., Read 25th April, 1732. *Addressed.* 1 *p.* [*C.O.* 194, 9. *ff.* 155, 158 *v.*]
- April 24. **182.** Mr. Popple to Sir Charles Wager. Encloses copy of report of 9th March [*No.* 128], quotes order of Committee for Plantation Affairs, 23rd March [*No.* 137], and enquires when he can lay before the Board from the Lessees of the Bahamas the evidence and account of quit-rents required. [*C.O.* 24, 1. *pp.* 213, 214.]

¹ Printed in italics above.

1732.
April 26.
Whitehall. **183.** Council of Trade and Plantations to the King. It being represented to us that Thomas Westbrook, Esq., a Member of your Majesty's Council in New Hampshire, do's not reside in that province : and it being sometimes difficult to get a quorum of the Council there. We humbly take leave to recommend to your Majesty, Ephraim Denny, Esq., as a person every way qualified *etc.* in *his* room *etc.* [C.O. 5, 917. p. 67.]
- April 26.
Whitehall. **184.** Mr. Popple to the Commissioners for collecting the 6*d.* a month out of seamen's wages. Requests printed copies of the instructions they give to their Deputy Receivers, in order to be annexed to Gov. Cosby's Instructions, and Instructions to future Governors of Plantations according to H.M. orders. [C.O. 324, 11. p. 307.]
- April 26.
Boston. **185.** Governor Belcher to the Duke of Newcastle. *Acknowledges* receipt by the last ships of Instruction of 10th Dec., and Orders in Council of 23rd Dec. and 27th Jan., wh. shall be communicated to the Assembly. *Begs for* a letter from the Duke in answer to his several letters ; for a commission for Major Mascarene as Lt. Governor, and directions respecting the lands at Pemaquid (*v.* 23rd Feb., No. 101). Hopes the Address signed by 100 persons in his favour last year will balance the trifling, foolish complaint made against him by fifteen persons in New Hampshire. *Has* received from his brother Mr. Partridge and his son at the Temple a copy of the representation of the Lords of Trade 4th Nov. last upon some letters of complaint from Lt. Gov. Dunbar. *Thinks it* common justice that whatever is exhibited against him should be in the form of a complaint, and not by letters which are not produced, and that he should be served with a copy to make answer thereto, and not condemned without an opportunity of defending himself. " This, my Lord Duke, is hard and cruel upon an Englishman, and a King's Governour especially, since upon my son's application to the Lords of Trade for copy of Col. Dunbar's complaint, he was told they shou'd make no use of the complaints to his father's prejudice, and refus'd him copies. I must with deference to their Lordships, say to your Grace, that I am not in this matter treated according to the rules of Justice and Honour. Their Lordships have also recommended to H.M. Mr. Wentworth, Atkinson and Peirce to be of the King's Council in that province, from Col. Dunbar's letters to them, altho' my friends have once and again represented how opposite these persons are to the Governour, and I believe it's the first instance of a Lieut. Govr's, having the favour of nominating the King's Council preferably and in opposition to his Govr. But Atkinson, I understand, is since struck out of the list " *etc.* Hopes that consideration of these matters may be deferred till he can write again after visiting N. Hampshire next week. Any enlargement of Col. Dunbar's power wd. be inconsistent with the honour of the King's government and the peace of the people. " But above all I wish I was rid of him ; and as it's no benefit to him, and serves to no other purpose, but the keeping up feuds and

1732. [185]

contentions in that Government, let me once more ask it of your Grace, as an uncommon favour and obligation." *Set out*, Mass. Hist. Soc. Coll. 6th ser. VI. 117. *Signed*, J. Belcher. *Endorsed*, R. 10th Aug. 6 pp. *Enclosed*.

185. i. Proclamation by Governor Belcher. Boston. 13th April. 1732. Being informed by one of the Deputy Surveyors of H.M. woods that he has seized a number of white pine logs in Maine, without the township of Berwick, in order to bring them to trial, and that he is apprehensive that attempts will be made to remove and conceal them, *warns* all persons of the penalties they may incur under the several Acts of Parliament *etc.*, and commanding all H.M. Justices and Officers to use their utmost endeavour to prevent any trespasses in violation of them *etc.* *Signed*, J. Belcher. *Printed*. 1 p. [*C.O.* 5. 898. *ff.* 444-446 *c.*, 447 *c.*, 448.]

April 27.
Whitehall.

186. Duke of Newcastle to the Council of Trade and Plantations. My Lords, the King having been pleased to appoint Captain Edward Falkingham, Commander of H.M. Ship the *Salisbury*, to be Governor of Newfoundland: I am to desire you will accordingly prepare draughts of a Commission and Instructions for him, in order to their being laid before the King for H.M. Approbation. I am, My Lords, Your Lordship's most obedient humble Servant. *Signed*, Holles Newcastle. *Endorsed*, Reed., Read 27th April. 1732. $\frac{2}{3}$ p. [*C.O.* 194. 9. *ff.* 156, 157 *c.*]

April 27.
Whitehall.

187. Duke of Newcastle to the Lt. Governor of Pennsylvania. I have received your letter of the 20th of November last with the inclosed papers containing an account of the proceedings of the Court of Admiralty held at Philadelphia for the tryal of pyrates, acquainting me, that John MacFerson, Paul Green, John Thompson, John Harney and John Cole, mariners, had been tried and convicted of piracy and felony and had sentence of death past upon them for the same, but it not appearing upon their tryal that they had been guilty of murder, you had suspended their execution, till H.M. pleasure should be known concerning them: all which I laid before the King. His Majesty approved your having respited the execution of the said criminals, and has been graciously pleased, upon some favourable circumstances that have been represented in their behalf, to extend His mercy to them *etc.* *Encloses* warrant under the sign manual for inserting their names in the next general pardon to the poor convicts of Newgate *etc.* *Signed*, Holles Newcastle. *Copy*. [*C.O.* 324. 36. p. 318.]

April 27.
Boston.

188. Governor Belcher to Mr. Popple. The 28th of last month I reed. your favour of 17th Novr. pr. one Capt. Cleveland, wherein you say My Lords Commissioners desire I would be punctual in my correspondence *etc.* As this single letter of yours acknowledges the receipt of eleven of mine, and that I have since wrote them four more I hope their Lordships will have no reason

1732.

[188]

to complain for want of constant accounts from me *etc.* *Acknowledges* Orders in Council in answer to Address relating to his Instructions and confirming Acts, and Instruction relating to importation of negroes and felons, all which will be communicated to the Assembly *etc.* *Continues* : I wish there may be no consequences for the many disputes about the lands to the Eastward of Kennebec, before I receive H.M. further orders : which I pray may be dispatcht, *etc.* For there are a great number of claimers, who are constantly telling me, they think it very severe under an English Government to be ousted of their properties, contrary to Magna Charta, and not to enjoy the benefit and protection of the laws, and H.M. Attorney and Solicitor General having given as their opinion that those lands are included in the Charter *etc.*, the Assembly here have address H.M. that they may not be interrupted or curtail'd in any part of their patent or grant from the Crown *etc.* *In accordance with* the Board's desire, will again press the Assembly to comply with the King's request regarding his salary, but has not the least expectation of their ever giving any support otherwise than in the manner of their last grant. *Continues* : And the still urging a thing they have so often deny'd and refus'd I am afraid weakens the King's authority among them, and is derogatory to the honour and dignity of the Crown. I am sorry their Lordships shou'd indulge a complaint of 15 discontented persons in a whole Province, spirited up by Coll. Dunbar, against the King's Govr., when a few days after, there went an Address to the King, signed by 100 persons in the Province in my favour, and I suppose more than 29 in 30 are perfectly easy, and so wou'd the whole Province, cou'd Coll. Dunbar conquer his invincible malice, at my laying open the many falshoods he has wrote *etc.* *Regrets* that the Board has had a greater regard to the recommendations for Councillors of N.H. of the Lt. Governor than to his. Thinks it a new thing under the sun to prefer an inferiour to a superiour officer, and Councillors so obnoxious and opposite to the Govr., which must be subversive of all order and Government. Has directed the Secretary of N.H. to make out the acts for him to transmit. Has no expectation of seeing an end of the dispute between him and the Lt. Govr., so long as he studies to misrepresent him, and treats falsehood as the same as truth. If Col. Dunbar writes anything against him, he thinks it ought always to be in the form of a complaint, and that he should have a copy in order to make his defence, before any determination be made thereupon. *Continues* : I very particularly observe what you say of their Lordships not approving my forbidding the Captn. not to suffer his going into the fort. When their Lordships see the affidavits the Presidt. of H.M. Council (who is Capt. of the Fort) has made in that matter, I humbly conceive their Lordships will be of a very different opinion *etc.* Col. Walton is a man of more truth, justice and honour than Col. Dunbar *etc.* *Hopes* H.M. will make no determination, or enlarge Col. Dunbar's powers or settle the Council, until he has set everything relating to N. Hampshire in a true light, which he will do on his return from that Province, whither he is going in a few days *etc.*

1732. [188]
Signed, J. Belcher. *Endorsed*, Reed, 31st July, Read 3rd Oct.
 1732. 6 pp. [C.O. 5, 874. ff. (with abstract) 166-169 v., 170 v.]
- April 27. **189.** Mr. Willard to Mr. Popple. Encloses Minutes of Council
 Boston. of the Massachusetts Bay to the end of Feb., and of the Assembly
 for the session held 1st Dec., and the acts then made. The
 Treasurer's account is not yet pass'd. Requests receipt. *Signed*,
 J. Willard. *Endorsed*, Reed, 5th June, 1732, Read 23rd Feb.,
 1733. *Addressed*, *Holograph*, $\frac{3}{4}$ p. [C.O. 5, 875. ff. 38, 39 v.]
- April 28. **190.** Commissioners for collecting and receiving the sixpence
 Receivers' per month out of seamen's wages, for the use of Greenwich
 Office on Hospital, to Mr. Popple. *Enclose* 20 of the printed Instructions
 Tower Hill. given to their Deputy Receivers in America, in order to their
 being annexed to the Governors' Instructions *&c.* *Signed*,
 W. Young, W. Allix (?). *Endorsed*, Reed, Read 28th April,
 1732. 1 p. [C.O. 323, 9. ff. 111, 112 v.]
- April 28. **191.** Council of Trade and Plantations to the Duke of
 Whitehall. Newcastle. *Enclose* following to be laid before the King.
 191. i. *Same* to the King. *Submit* draughts of General
 Instructions and those relating to the Acts of Trade and
 Navigation, for Col. Cosby, Governor of New Jersey, "in
 which we have made no alterations nor omissions from
 such general instructions as your Majesty has already
 approved of, to your other Governors in America, except
 those in the Instructions for New York, which are
 inserted in these, and that we have omitted the two
 following articles, vizt. the 58th article to the late
 Governor directing him to take care to pass an act for
 allowing the Quakers in that Province the like benefit
 of an affirmation as is allowed to them in this Kingdom,
 he having passed an act in that Province accordingly;
 and the 102nd article of the said late Governor's
 Instructions, directing him not to engage in any party
 upon a supposition that the Province has heretofore
 been unhappily divided, there having been no complaint
 of any division in that province since the year 1702,
 when upon the surrender of that Government to the
 Crown, this instruction was first inserted. There is one
 vacancy in the Council by the death of John Hugg,
 Esqr., but we think it may be for your Majesty's service
 that Coll. Cosby should have an opportunity upon his
 arrival of transmitting a list of persons proper to supply
 vacancies according to his Instructions before a new
 Councillor is named, and the rather because the affairs
 of this Province cannot suffer for want of a Quorum,
 there being now eleven Councillors there.
191. ii. Draft of Instructions described in preceding. [C.O. 5,
 996. pp. 285-366 (without covering letter); and (covering
 letter only, autograph signatures, 1 p.) 5, 195. f. 17.]

1732.
April 28.
Whitehall.

192. Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before H.M. *Annexed.*

192. i. *Same* to the King. Submit drafts of general Instructions for Col. Cosby, Governor of New York, and Instruction relating to the Acts of Trade and Navigation, *etc.* *Continue* :—We have made no alterations nor omissions from such general instructions as your Majesty has already approved to your other Governors in America, except in the following article vizt. : The Governor of New York having by his commission the command of the Militia in Connecticut, as your Majesty's Governor of New England has of that in Rhode Island, in the 2nd Article of these Instructions of your Majesty's Govr. of New England [*? we have added*] the following words after the word, "meeting of Our Council" vizt, "and notification to be also given to Our Colony of Connecticut, of the power wherewith you are enstructed [*? intrusted*] concerning the Militia forces, and forts within the said Colony." We have inserted the latter part of the 18th article forbidding the imposition of any duties on British shipping or product, it having been prepared in pursuance of our order from the Lords of the Committee dated the 3rd of Feb. last. We have omitted in this draught the 52nd article of the Instructions given to Colo. Montgomerie *etc.* directing him to give encouragement to the Officers of the Admiralty and Customs, that article being better provided for in the article of the inclosed draught of Instructions relating to the Acts of Trade and Navigation. The 106th Article of the Instructions given to Colo. Montgomerie, directing him not to engage in any party, upon a supposition that the Province has heretofore been unhapily divided is now omitted, there having been no complaint of any division in that Province since the year 1701, when this Instruction was first inserted. There is one vacancy in the Council by the death of Robert Walters, Esq. But we think it may be for your Majesty's service that Colo. Cosby should have an opportunity upon his arrival of transmitting a list of persons proper to supply vacancies according to his Instructions before a new Councillor is named, and the rather because the affairs of this Province can't suffer for want of a Quorum, ther being now eleven Councillors there. *Annexed.*

192. ii. H.M. General Instructions to Governor Cosby, 1-101 *as described above.* [*C.O.* 5, 1125. pp. 211-292.]

April 28. **193.** Mr. Fane to the Council of Trade and Plantations. Has no objection to six acts of the Massachusetts Bay, 1731. *Signed.* Fran. Fane. *Endorsed.* Reed. 9th May, 1732, Read 18th Jan., 1733. 1 p. [*C.O.* 5, 876. ff. 21, 22 v.]

1732.
April 29. **194.** H.M. Commission appointing Spencer Phipps Lt. Governor of New Hampshire. *Countersigned*, Holles Newcastle. *Copy*. [C.O. 324, 50. pp. 59, 60 : and 324, 36. p. 326.]
- May 2. **195.** Mr. Fane to the Council of Trade and Plantations. Reports has no objection to 4 private acts of Virginia, 1730 : (i) *vesting certain intailed lands in William Randolph etc.* : (ii) *confirming the title of Richard Randolph to certain intailed lands etc.* : (iii) *to enable Henry Cary to sell certain intailed lands etc.* : (iv) *to confirm the sale of certain intailed lands by John Douglass to John Frazer etc.* *Signed*, Fran. Fane. *Endorsed*, Reed, 8th May, 1732, Read 8th Aug., 1733. $1\frac{2}{3}$ pp. [C.O. 5, 1323. ff. 75, 75 v., 82 v.]
- May 4. **196.** Order of King in Council. Approving Representation of the Council of Trade and Plantations, upon a petition of merchants of London touching the laying greater duties in the Plantations *etc.* on the ships and goods of H.M. subjects residing in Great Britain than upon those of inhabitants *etc.*, and approving draught of Additional Instructions to all the Governors in America strictly forbidding them to give their assent to any laws wherein the natives or inhabitants of the respective Colonys are put on a more advantageous footing then those of Great Britain, and likewise requiring them to pay due obedience to H.M. royal Instructions whereby H.M. hath expressly forbid them to pass any laws by which the Trade or Navigation of this Kingdom may be any wayes affected *etc.* *Signed*, W. Sharpe. *Endorsed*, Reed, 15th Aug., Read 7th Sept., 1732. $1\frac{1}{2}$ pp. [C.O. 323, 9. ff. 118, 118 v., 121 v.]
- May 4. **197.** Order of King in Council. Approving report of Committee and representation of Council of Trade, and draught of Additional Instructions to all the Governors in America. *Signed*, W. Sharpe. [C.O. 324, 36. p. 327.]
- May 4. **198.** Order of King in Council. Approving Representation of 26th April [No. 183], and appointing Ephraim Dennit to the Council of New Hampshire. *Signed*, W. Sharpe. *Endorsed*, Reed, 15th Aug., Read 7th Sept., 1732. 1 p. [C.O. 5, 874. ff. 149, 152 v.]
- May 4. **199.** Order of King in Council. Approving second representation concerning Theodore Atkinson, and appointing him to the Council of New Hampshire in the room of Joseph Smith, decd., *etc.* *Signed and endorsed as preceding*. $2\frac{1}{2}$ pp. [C.O. 5, 874. ff. 150-151 v.]
- May 4. **200.** Order of King in Council. Appointing John Morris and John Duer Councillors of Antigua (v. 3rd Feb., No. 61, and 16th April, No. 173). *Signed*, W. Sharpe. *Endorsed*, Reed, 15th Aug., Read 7th Sept., 1732. $1\frac{2}{3}$ pp. [C.O. 152, 19. ff. 132, 132 v., 135 v.]

1732.

May 4.

201. Mr. Popple to President Rip Van Dam. *Encloses* duplicates of Board's letter of 4th Feb. [*No.* 64], *etc.* As Colo. Cosby is now upon his departure, only acknowledges letters of 29th Oct. and 29th Dec. *Continues* : In case you have no answer from the Govr. of Rhode Island to the letter for him which you received in their Lordships of 30th June *etc.*, they desire that you will endeavour to procure as authentick a collection as you can of the laws of Rhode Island and transmit the same to my Lords Commissrs. by the first opportunity. The several acts passed at New York in 1731 before one of H.M. Council for his opinion in point of law, which the Board intend to take into consideration the first opportunity in order to their being laid before H.M., particularly that relating to the troops at Oswego. [*C.O.* 5, 1125. *p.* 293.]

May 4.
St. James's.

202. Order of King in Council. Confirming Act of New Jersey *the better enable the inhabitants to support Government etc. by making current £20,000 in bills of credit.* Signed, W. Sharpe. *Endorsed.* Recd. 15th Aug., Read 7th Sept., 1732. $1\frac{1}{2}$ *pp.* [*C.O.* 5, 972. *ff.* 241, 241 *v.*, 242 *v.*]

May 4.
St. James's.

203. Order of King in Council. Confirming Act of New Jersey *prescribing the forms of declaration of fidelity etc.* Signed and endorsed as preceding. $1\frac{2}{3}$ *pp.* [*C.O.* 5, 972. *ff.* 245, 245 *v.*, 248 *v.*]

May 4.
St. James's.

204. Order of King in Council. Appointing Theodore Atkinson to the Council of New Hampshire in the room of Joseph Smith, as proposed by the Council of Trade, *etc.* Signed, W. Sharpe. $1\frac{3}{4}$ *pp.* [*C.O.* 5, 21. *ff.* 21, 21 *v.*]

May 5.
St. James's.

205. H.M. Additional Instructions to the Governors of Plantations, Jamaica : Barbados : Leeward Islands : Bermuda : Bahamas : New York : New Jersey : New Hampshire : Mass. Bay : Virginia : S. Carolina : N. Carolina. Whereas complaint has been made to us by the merchants of Our City of London, in behalf of themselves and several others of Our good subjects of Great Britain, trading to Our Plantations in America, that greater dutys and impositions are laid upon their ships and goods than on the ships and goods of persons who are natives and inhabitants of the sd. Plantations ; It is therefore Our will and pleasure, that you do not upon any pretence whatsoever, on pain of Our highest displeasure, give your assent for the future to any law wherein the natives or inhabitants of the Island Province under your Government are put on a more advantageous footing than those of this Kingdom ; It is further Our will and pleasure, that you do pay due obedience to the Instructions already given you whereby you are expressly forbid to pass any law by which the Trade or Navigation of this Kingdom may be any ways affected ; hereby declaring it to be Our royal intention, that no dutys shall be laid in the Island Province under your Government upon British

1732. [205] shipping, or upon the product or manufactures of Great Britain upon any pretence whatsoever. *Signed*, G.R. *Copy*.

205. i. H.M. Additional Instructions to the Governors of Maryland and Pennsylvania, and the Governor and Company of Rhode Island, and Governor and Company of Connecticut. As preceding, except that reference to "Instructions already given" is omitted, the beginning of the second Instruction running: It is Our further will and pleasure that you do not, and you are hereby expressly forbid to pass any law *etc. ut supra*. *Signed*, G.R. *Copy*. [*C.O.* 324. 36. pp. 328-335.]

May 5. **206.** Council of Trade and Plantations to the Duke of
Whitehall. Newcastle. Enclose following to be laid before the King. *Annexed*.

206. i. *Same* to the King. *Enclose* commission and instructions for Governor Falkingham. *Continue*: These draughts are the same as those that were given Capt. Clinton *etc.*, [*v.* April 23. 1731], except the alterations that are made in the 65th Article, relating to the disorders that have arisen in that Government from the interfering that is pretended to be between the powers given by Act of Parliament to the Fishing Admirals and those delegated by the Governor's Commission to the Justices of Peace in that Island, which we have drawn in conformity to our Representation to your Majesty of the 6th of April last, *etc.*

206. ii. Draft of H.M. Commission to Capt. Edward Falkingham, Commander of H.M.S. *Salisbury*, to be Governor of Newfoundland. [May 18.] [*C.O.* 195. 7. pp. 266-268, 269-277: and (*without enclosures*; *autograph signatures*) 5. 195. f. 128.]

May 5. **207.** Council of Trade and Plantations to the Lords of the
Whitehall. Committee of H.M. Privy Council. Pursuant to order of 14th April, 1731, transmit papers relating to the complaint by Mr. Brown, Judge of the Admiralty, Pa., against Depty. Governor Gordon, with the latter's reply *etc.* List of papers enclosed. [*C.O.* 5, 1294. pp. 47-53.]

May 9. **208.** Duke of Newcastle to the Council of Trade and Planta-
Whitehall. tions. The King having been pleased to appoint the Lord Viscount Howe to be Governor of Barbadoes. I am to signify to your Lordships H.M. pleasure, that you prepare draughts of a Commission and Instructions for him, in order to be laid before H.M. for his approbation. *Signed*, Holles Newcastle. *Endorsed*, Reed., Read 13th May, 1732. 1 p. [*C.O.* 28. 23. ff. 23, 27 v.]

May 10. **209.** Mr. Browne to Mr. Popple. Encloses affidavit by
Philadelphia. Mr. James Greme to be added to those before the Board. Mr. Greme was his "attorney in the fictitious and offensive action

1732. [209] of £2000 in which Mayor Gordon was pleased to arrest me, and afterwards to withdraw " *etc.* The insisting on bail in this case for more than £40 was an act of high oppression, and directly contrary to the 13th Car. II cap 2, and the bare marking of the writ £2000 plainly shews the design of intimidating people to bail him *etc.* " The manifest perjury of the Sheriff also shews that, at this distance from application and redress, the same power that can thus violently exceed, may also leave the sufferer destitute of all proof " *etc.* " My treatment has not been better since my last arrival, for I am deny'd the use of the Court-house in H.M. service, and treated with all manner of indignity, as I have further explained myself to Mr. Burchett *etc.* Signed, J. Browne. Endorsed, Recd. 25th. Read 27th June, 1732. Copy (the original sent with Board's report to the Lords of the Committee, 27th June). 3 pp. [C.O. 5, 1268. ff. 87,88 v.]
- May 11. **210.** H.M. Warrant appointing Ephraim Dennit to the St. James's. Council of New Hampshire, in the room of Thomas Wentworth, "who does not reside in Our said Province, *etc.* Countersigned, Holles Newcastle. Copy. [C.O. 324, 36. p. 319.]
- May 11. **211.** H. M. Warrant appointing William Smith Chief Baron St. James's. of the Court of Exchequer, N. Carolina. Countersigned, Holles Newcastle. Copy. [C.O. 324, 49. p. 86; 324, 50. p. 109; and 324, 36. pp. 321, 322.]
- May 11. **212.** H.M. Warrant appointing John Morris to the Council of St. James's. Antegoa in the room of William Byam deed. Countersigned, Holles Newcastle. Copy. [C.O. 324, 36. p. 323.]
- May 12. **213.** Memorandum of H. M. Warrant appointing John Duer to the Council of Antegoa, in the room of John Yeamans, resigned. [C.O. 324, 36. p. 324.]
- May 11. **214.** Mr. Fane to the Council of Trade and Plantations. Upon consideration of Act of Barbados, 1723, *for supporting the honour and dignity of the Government*, and Mr. Worsley's petition, (v. 9th Feb., No. 78. i) referred to him, discusses methods of proceeding for the recovery of the arrears *etc.* Signed, Fran. Fane. Endorsed, Recd. Read 11th May, 1732. 4 pp. [C.O. 28, 23. ff. 24-25 v., 26 v.]
- May 12. **215.** The King to the Governor of the Leeward Islands, or the St. James's. President of the Council of St. Christophers. Jeremiah Browne is to be restored to his office of Chief Justice of the Court of King's Bench and Common Pleas in St. Christophers, upon the report of the Committee of the Privy Council that he was removed therefrom by Lt. Gov. Mathew, "without good and sufficient cause signified to us and to Our Commoners for Trade" *etc.*, pursuant to his 42nd Instruction *etc.* Countersigned, Holles Newcastle. Copy. [C.O. 324, 50. pp. 39, 40; and 324, 36. pp. 324, 325.]

1732.
May 15. **216.** Mr. Burchett to Mr. Popple. Presses for Heads of Enquiry for Capt. Falkingham, H.M.S. *Salisbury* being ready to sail *etc.* *Signed*, J. Burchett. *Endorsed*, Recd., Read 16th May, 1732. *Addressed*, $\frac{3}{4}$ p. [*C.O.* 194, 9. *ff.* 160, 165 *v.*]
- May 16. **217.** Mr. Popple to Mr. Burchett. Informs him that Commission and Instructions for Governor Falkingham have been transmitted for H.M. approbation, and that the usual Heads of Enquiry for the Commanders of H.M. ships at Newfoundland are incorporated with the latter *etc.* [*C.O.* 195, 7. *pp.* 268, 269.]
- May 16. **218.** Mr. Van Dam, President of the Council, New York, to the Council of Trade and Plantations. *Abstract*. Nothing of moment has happened since his last. The province enjoys a perfect tranquility and hourly expects Col. Cosby *etc.* He will find a province inhabited by persons of undoubted loyalty *etc.* *Signed*, Rip Van Dam. *Endorsed*, Recd. 16th June, 1732. Read 23rd Feb., 1733. *Addressed*, 1 p. [*C.O.* 5, 1056. *ff.* 12, 15 *v.*]
- May 16. **219.** *Same* to the Duke of Newcastle. Duplicate of preceding. *mutatis mutandis*. *Signed*, Rip Van Dam. *Endorsed*, R. 16th June. Copy sent to Ld. Harrington, 20th June, 1732. *Addressed*. *Postmark*, 1 p. [*C.O.* 5, 1093. *ff.* 246, 247 *v.*]
- May 17 **220.** Governor Falkingham to the Council of Trade and *Salisbury* Plantations. The service requiring him to be on board, he cannot in Long Reach. wait on the Board, but would be glad to receive their Lordships' commands *etc.* *Signed*, Edwd. Falkingham. *Endorsed*, Recd., Read 18th May, 1732. 1 p. [*C.O.* 194, 9. *ff.* 161, 164 *v.*]
- May 17. **221.** Council of Trade and Plantations to the Duke of Whitehall. Newcastle. Enclose following to be laid before the King. *Annexed*,
221. i. *Same* to the King. Submit following and will prepare the Instructions with all possible dispatch.
221. ii. Draught of H.M. Commission to Governor Lord Howe. In the usual form. [*C.O.* 29, 15. *pp.* 264-285.]
- May 18. **222.** Order of King in Council. Approving draught of St. James's. Commission for Governor Lord Howe. *Signed*, W. Sharpe. *Endorsed*, Recd. 15th Aug., Read 7th Sept., 1732. 1 p. [*C.O.* 28, 23. *ff.* 29, 30 *v.*; *and* (*signed*, W. Cary) 5, 195. *f.* 160.]
- May 18. **223.** Order of King in Council. Approving draught of St. James's. Commission for Governor Falkingham. *Signed*, W. Sharpe. *Endorsed*, Recd. 15th Aug., Read 7th Sept., 1732. 1 p. [*C.O.* 5, 195. *f.* 130; 194, 9. *ff.* 162, 163 *v.*]
- May 18. **224.** Order of King in Council. Approving Instructions for St. James's. Col. Cosby, Governor of New York. *Signed*, W. Sharpe. *Endorsed*, Recd. 15th Aug., Read 7th Sept., 1732. 1 p. [*C.O.* 5, 1056. *ff.* 11, 16 *v.*]

1732.

May 18.
St. James's.

225. Order of King in Council. Confirming Act of Antigua, 1731, to enable *Robert Oliver etc.* *Endorsed*, Reed. 15th Aug., Read 7th Sept., 1732. $1\frac{1}{2}$ pp. [*C.O.* 152, 19. ff. 133, 133 v., 134 v.]

May 18.
St. James's.

226. Order of King in Council, Approving drafts of Instructions for Col. Wm. Cosby, Governor of New Jersey. *Signed*, W. Sharpe. *Endorsed*, Reed. 15th Aug., Read 7th Sept., 1732. 1 p. [*C.O.* 5, 972. ff. 246, 247 v.; and (*Signed*, W. Cary. *No endorsement*) 5, 195. f. 79.]

May 18.
St. James's.

227. Order of King in Council. Approving drafts of Instructions for Col. Cosby, Governor of New York. *Signed*, W. Cary. [*C.O.* 5, 195. f. 19.]

May 18.
St. James's.

228. H.M. Warrant for a Commission to Capt. Edward Falkingham, Commander of H.M.S. *Salisbury*, Governor and Commander in Chief of H.M. Island of Newfoundland and H.M. Fort and Garrison at Placentia. To act according to his Instructions: administer oaths appointed: constitute Justices of the Peace, (to whom he shall administer the oaths and declaration appointed) who shall hold General Quarter Sessions in such places as he shall appoint *etc.*, provided that neither he nor they do anything by virtue of this Commission contrary or repugnant to the Act for encouraging the trade to Newfoundland *etc.*, nor any way obstruct the powers thereby given to the Admirals of Harbours or Captains of H.M. ships of war. He is given power to erect Court houses and prisons *etc.* In case of his death, the First Lieutenant of H.M.S. *Salisbury* is to take upon him the administration of the Government *etc.* *Countersigned*, Holles Newcastle. $5\frac{1}{2}$ pp. [*C.O.* 5, 195. ff. 132-134 v.]

May 18.
St. James's.

229. Order of King in Council. Approving draught of Instructions for Governor Falkingham, as presented by the Council of Trade (*v. Nos.* 206 i. and 235). *Signed*, W. Cary. 1 p. [*C.O.* 5, 195. f. 136.]

May 19.
St. James's.

230. H.M. Instructions for William Cosby, Governor of New York. *Signed*, G.R. [*C.O.* 5, 195. ff. 21-52.]

May 19.
St. James's.

231. H.M. Instructions for *Same*, relating to the Acts of Trade and Navigation. *Signed*, G.R. [*C.O.* 5, 195. ff. 53-66 v., 67 v., 68.]

May 19.
St. James's.

232. H. M. Instructions for *Same*, Governor of New Jersey. *Signed*, G.R. [*C.O.* 5, 195. ff. 81-106 v.]

May 19.
St. James's.

233. H.M. Instructions for *Same*, Governor of New Jersey, relating to Acts of Trade and Navigation. *Signed*, G.R. [*C.O.* 5, 195. ff. 108-118 v., 120 v., 121.]

May 19.
Whitehall.

234. Mr. Popple to Mr. Scrope. Col. Johnson, H.M. Governor of S. Carolina, having, in consequence of the inclosed

1732.

[234]

Instruction (No. XIX]. pass'd an act in that Province entitled, an act *for remission of arrears of quit rent, and for registering of patents, grants etc.*, which act containing many clauses of a very extraordinary nature, whereby H.M. revenue may be greatly affected; My Lords Commissioners have determined not to proceed upon the said act before the Lords Commissioners of H.M. Treasury, have had an opportunity of examining the same *etc.* *Encloses act.* [C.O. 5. 401. p. 31.]

May 20.
St. James's.

235. H.M. Instructions for Governor Falkingham. (c. 18th May, No. 229). With copies of 13th and 14th Articles of Treaty of Utrecht, relating to Newfoundland; scheme of Fishery; and memorandum of copies of petitions from merchants of Bristol and Dartmouth and Mayor of Poole, complaining of the Justices of Newfoundland, and affidavits of John Moore and Peter Shank. [C.O. 5. 495. ff. 138-155 c., 156 c.—158, 159.]

May 20.
Whitehall.

236. Duke of Newcastle to President of the Council of Nevis. *Encloses following. Continues*:—I am commanded to signify to you H.M. pleasure, that you use your utmost endeavours to prevail with the respective Councils and Assemblies of those islands, to provide either barracks or quarters for the soldiers, as is done in all other parts of H.M. Dominions. It is so just and so reasonable, that at the same time that H.M. is at a considerable expence in maintaining those troops for the protection and defence of the country. His subjects there, who have the benefit of it, should on their part, contribute what is so necessary for their accommodation, as is done in other places, that H.M. cannot doubt but they will readily comply with it, and your care and diligence in this affair will be an acceptable service to H.M. *Signed*, Holles Newcastle. *Copy. Annexed.*

236. i. Memorial of Brigadier General Jones, Colonel of H.M. Regiment in the Leeward Islands, to the King. The said Regiment is compleated with recruits by Memorialist to near the established number and supplied with everything necessary to act on all occasions. The Commanding Officer often writes that the Regiment suffers much by being exposed to the violent heats and damps for want of barracks or quarters to shelter them, which are not provided for them in those parts, and which occasions the death and desertion of many *etc.* All your Majesty's forces at home and abroad (this Regiment only excepted) are provided with barracks or quarters. *Prays that* Instructions may be given for building barracks or providing quarters *etc.* *Copy.* [C.O. 324, 36. pp. 335-337.]

May 25.
Whitehall.

237. Council of Trade and Plantations to the Committee of the Privy Council. *Representation upon* petition of Lord Micklethwaite and Mr. Whitworth (c. 23rd Nov., 1731). *Refer to* Orders in Council upon latter's petition, 15th Aug. 1728 *etc.*, and upon the former's, 18th Aug. 1729. *Continue*:—In pursuance of

1732.

[237]

these orders Mr. Worsley, in his Speech to the Council and general Assembly of Barbados, on 17th Nov., 1730, acquainted the Assembly that he had caused the said accounts to be strictly examined before him in Council, and did find by proper vouchers and other legal evidence, that there was justly due to Francis Whitworth, Esq., on 1st March, 1726, £1080 10s. according to the usual and accustomed fees : and to the Ld. Viscount Micklethwait on 1st April, 1719, £793 3s. 9d., and to Mr. Whitworth, by William Webster, the present Deputy Secretary, £950 3s. for services incurred between 1st March, 1726 and 26th March, 1729, which sums Mr. Worsley recommended to the Assembly for immediate payment. Whereupon the Assembly by their Address to Mr. Worsley of 24th Nov., 1730, desired that he would be pleased to order the proper offices to lay before them the several accounts *referred to etc.* ; and to this demand, which they enforced very strongly in a subsequent address, Mr. Worsley replied that he could not lay before that House the accounts mention'd, or any papers relating thereto. In justification of this answer, Mr. Worsley has affirmed to us, that he does not know of any instance of the Assembly's examining accounts before payment : and that he thought this demand was an attempt to make the Secretary dependant on the Assembly, as they have already made the Treasurer of the Island : for which reasons he apprehended, that in regard to H.M. Prerogative he could not comply with their Address, *etc.* *Continue* :—Altho' we believe there may be many instances, and some particularly in the very act which pass'd when this demand was made, wherein the Assembly of Barbados thought fit to make provision for other services without desiring to see the accts. of the said services, and tho' we do not apprehend that it is the business of the Assembly to state and settle accounts. Yet when accounts are once stated and settled by H.M. Governour and Council, and money demanded for payment thereof, we do not see that any inconvenience can arise from laying copies of such accts. before the Assembly for their information. Wherefore we would propose that H.M. may be graciously pleased to direct the Governor again to recommend to the Assembly to make provision for the petitioners' demands, and if the Assembly should apply to him for the said accounts, that he may be empowered to lay copies thereof before them. [*C.O.* 29, 15. *pp.* 286–291.]

May 26.
Fredericksfort.

238. Lt. Governor Dunbar to Mr. Popple. A few days agoe I had the honour of your letter of the 17th of November last. I presume you have wrote since and that it has mett ye common fate of my letters being intercepted at Boston ; H.M.'s determination of the dispute between Govr. Belcher and me I hope will soon arrive, until then I have no busyness in New Hampshire ; I hear from thence frequently of their sufferings for want of settling their lives. wch. I hope my Lords Commissioners will recommend so to H.M. as that they will be adjusted at home, for it is impracticable to expect it to be done on this side, the difference being very great between ye pretentions of the two provinces. I am very

1732.

[238]

impatience to know ye fate of this part, and the people settled by me here *etc.* *Refers to former letters.* The Massachusetts Government have succeeded in discouraging people from coming, and frightening settlers away who had begun their settlements, *etc.* Shore, a Representative of the Massachusetts, of whose treasonable speech he formerly gave an account, is now his neighbour, "being prefer'd to a publique imployment at Richmond Fort (as they call it) on the west side of Kennebeck river." Mr. Byfield's proceedings, of which he complained, have so animated the loggers, that more waste has been committed this last winter than for many years past, "and noe wonder, since the judge himself is owner or part owner of saw mills" *etc.* "He has lately decreed costs against a person I imployed to help to do the duty of my brother and another of my Deputys almost worn out with fatigue: the morning of the trial the evidences were bribed out of the way, and ye prosecutor desired a continuance of ye cause to another day, which was refused him, and then costs decreed against him" *etc.* *Refers to enclosed copy of decree etc.* Is ashamed to write so often against that gentleman's proceedings, "he has expected for 2 years past to be out, and does not vallow what he does in the meantime: it would be more for the King's interest and for the conveniency of the country where the trespasses are committed, if all were tryed in New Hampshire, or on each side of Piscatua river, wch. devides Main and N. Hampshire *etc.*, and then Mr. George Jaffrey, one of the Council for the latter, and long Depty. Judge of Vice Admiralty until lately displaced by Mr. Belcher's means, would do justice between H.M. and the people *etc.* He formerly recommended Capt. Thomas Steel at Boston to be judge for that Province, but his health is poor: he does not know any other that would accept it and could be depended upon. *Refers to his letter of 30th March last*, which he is almost sure was not forwarded from Boston, saying that by the proceedings there against him, the people who call themselves proprietors of the lands between Shepscott, or Newcastle river, and Kennebeck, have been encouraged to come thither and are now cutting down the woods in defiance of him *etc.* Has no remedy against them except to turn them off by force, which he is unwilling to doe, "tho' I act a violence on myself in forbearing it." *Continues* :—I also in that letter gave an account of the death of Lt. Governour Tailer, and that I heard that the Governour had recommended one Collo. Winthrop to succeed him, a gentn. of a good character but a violent Independent, and in my opinion not for H.M. interest to have him his Leivt. there, nor do I know any but one in that province fitt for it, and yt. is one Mr. Francis Brinley, an English gentn., has an estate in England, and lives upon his private fortune, and from his youth in this country. He is a churchman and of an unblemished character; I have a notion that Mr. Belcher cannot continue long Governour, and whoever succeeds him will soon be judge who is fitt to recommend to be Leivt. Governour. I have long flatterd myself that a new act would have been made for better securing H.M. woods, it cannot be too penal or strict, for little regard is had to the present

1732.

[238]

act. This last winter haveing been very hard and much snow, the undertakers for masting have drawn four ships' loads of large masts to the waterside, the best for many years past, and the loggers too have made a fine harvest of it, and bid defiance to me and my deputys. You are pleased to send me the names of the six gentleman recommended to fill up ye Council for New Hampshire. I am very sorry that Mr. Waldron and Mr. Gambling are among them, they are and allways were opposers of H.M. instructions, you'll have this confirmd by future Governours if they are continued: I hear that Governr. Belcher's son, and his brother Partridge in London have opposed Mr. Atkinson's being admitted, that gentleman is nothing to me, but as I know him to be a dutyfull good subject, as such was in great favour with Governour Burnet, has as good a character and fortune as most gentlemen in yt. province and a very leading man in the House of Representatives, and Mr. Belcher's opposition to him is onely that he is my friend. H.E's declared opinion is that no man can be a friend to him and me: this has prevented Mr. Auchmuty, the Advocate General at Boston, who is one of the Governor's creatures, from appearing as my lawyer in ye case between Benjn. Atkinson and me, by wch. I have sufferd great injustice, and now groan under the weight of it, which with my fatigue and wants here has so sunk my spirits that I find myselfe growing more incapable of my duty. You are pleased to tell me that My Lords desire I would be punctual in my correspondence with their Lordships, and give them constant accounts of occurrences. I fear you mean that, as a rebuke for my too frequent writing and mentioning things that do not belong to me, because no notice is ever taken of them: I am sure what I formerly hinted about manufactures in New England, and of the French ingrossing our fishery even on our Banks and making it at Cape Britton deserves my Lords' consideration. Our fishermen are dayly insulted on the Banks by french vessels, wch. are larger and four times the number of men that ours have, it may give offence if I should say that station ships near ye fishing grounds should often cruize there, they could easily distinguish french from English, theirs are generally ships and ours sloops and schooners. If I am to proceed here, I hope some regard will be had to my representations for some soldiers, and to build this fort, and that I may be enabled to give something to the Indians to keep them in friendship *etc.* I have hitherto forbore mentioning anything for my own trouble or unavoydable expences. Every one that comes to settle here must necessarily come to me, and without I would speak to them through a window, it is impossible to make an expence which I am not able to bear: this place and wt. I am doing is not like any other Governmt. anywhere, because this will maintain itself in three or four years after ye dates of ye patents and grow soon to a considerable revenue to the Crown. I would beg my Lords to look over their first representation of 14th May, 1729, relating to my undertakeing the carrying on this settlement without any sallary until H.M. should think me deserveing it, *etc.* Signed, David Dunbar. Endorsed, Recd. 19th July, Read 19th Sept., 1732. Holograph. 7½ pp. [C.O. 5, 874. ff. 154-157 v.]

1732.
May 26.
Whitehall.

239. Council of Trade and Plantations to the Committee of the Privy Council. In reply to 9th March, report upon petition of John Vat on behalf of Mr. Purry *etc.* Give history of the case up to representation of orders of 23rd July, 1730, and the order of the Committee of Council, 9th Sept., 1730, by which they were required to prepare the draught of an Instruction for H.M. Governor of S. Carolina agreeable to their said representation *etc.* *Continue:* But it having been afterwards thought proper not to grant any land in Carolina, without a reservation of quit-rents to H.M., we were by an other order from your Lordships, of 23rd Nov., required to alter ye Instructions for the Governor of South Carolina, agreeable to the directions we had rece'd. in that respect from your Lordships at the Council Board. In the mean time Monsr. Purry, depending upon the representation which we had made to H.M. in July, 1730, and being satisfi'd that 12,000 acres of land were to be granted to him, clear of quit-rents; he with several other persons of his nation, embark'd for South Carolina, where he marked out a situation for a town on the north side of Savanna River, and the Legislature of that province were so sensible of ye utility of this intended settlement, that they voted ye sum of £400 sterling towards defraying ye charge of transporting Swiss Protestants to Carolina: and a farther summ towards the purchase of tools and utensils, to be employ'd in their service. But it is alledged by Mons. Purry, that ye charge of transporting 600 persons from England to Carolina will alone amt. to £2,400 sterl., to raise which summ, he hath apply'd to several gentlemen in London, who promis'd to lend him mony upon the security of 12,000 acres of land free of quit rents, but that condition having been alter'd during ye sd. Purry's absence at Carolina, this design must at last prove abortive, unless H.M. will be graciously pleas'd to grant ye said Purry 48,000 acres of land subject to quit rents after ye first ten years, in lieu of 12,000 free of qt. rent, upon which he proposes to raise so much mony as will enable him, to bring this settlement to perfection. We have discours'd with Mr. Purry's Agent, and with the Agent of South Carolina upon this occasion, and we take leave to acquaint your Lordships, that it has been the constant sense of this Board, that all ye British Colonies, and especially the two frontiers, should be peopled as amply and as soon as possible wh. white inhabitants. This is a point in wch. the interest of ye Crown and ye Publick are equally concern'd: since an accession of new inhabitants in ye Plantations cannot fail to encrease the trade and commerce of this Kingdom, whilst it creates an augmentacon of H.M. revenues, in his qt. rents, and with respect to South Carolina in particular, as it is our frontier to the Spanish and French settlements, and is surrounded by a great number of Indian Nations, the well peopling of this province seems to be a very necessary measure for the defence and security of all our Plantations, on the Continent of America. In all probability one great reason why S. Carolina has not hitherto been peopled in the same proportion with other parts of H.M. Dominions in America, has been, that a considerable number of people have never before made an offer of

1732. [239]

settling together in one place: and this Province is now so sensible of ye advantage and security it would derive from such a settlement, that they have granted Monsr. Purry £400 sterl. for bringing 100 men to Carolina. With respect to ye extensive grant that is desired by Monsr. Purry, of 48,000 acres, instead of 12,000, we do not see that any inconvenience can arise from thence, because he does not propose to retain so great a quantity of land for his own occupation, but intends to sell it to different persons, who will be obliged to settle and improve the same, as well to repay themselves, as because they must be obliged to pay a quit rent for it, after a certain time shall be lapsed; and we think, the exemption of quit-rents for ye first ten years to Monsr. Purry, is an indulgence that will be abundantly outweighed by ye advantages that may arise to H.M. and the Publick, from the proposed settlement, especially when it is considered, that the grant is not to take place till the Swiss are actually brought over. We are therefore of opinion that it may be for H.M. interest that this petition should be comply'd with, under ye restrictions propos'd in our abovementioned report, *etc.* *Quoted. v. C.S.P. 1730. 23rd July, finis. [C.O. 5, 401. pp. 32-40.]*

May 27. **240.** Governor Burrington to Mr. Popple. Refers to his No. Carolina. report sent last year for answer to the Secretary's letter of 10th June, 1731 *etc.* *Continues*:—The biennial act must be repealed before the people can be brought into a good disposition. A multitude of people have come into this country to settle last winter. Some have very great American fortunes, insomuch that I now think, there are men here to make up a creditable Council *etc.* *Intends* to write to the Board on that subject *etc.* The best conveyance to him is by N. England in the summer and Virginia in winter *etc.* *Signed.* Geo. Burrington. *Endorsed.* Read, 28th Aug., 1732, Read 1st Aug., 1734. $1\frac{1}{2}$ pp. (*and abstract, $\frac{3}{4}$ p.*). [*C.O. 5, 294. ff. 93, 94, 95, 96 v.; and (abstract only) 5, 327. ff. 19r.-20 v.*]

May 27. **241.** Lt. Governor Gooch to the Council of Trade and Virginia Plantations. On the 12th instant the General Assembly mett Wmshburgh. here according to their last prorogation, and that your Lordships may have as early knowledge, as possible, of the matters now under deliberation, as well as what hath hitherto been transacted, I herewith inclose my Speech at the opening of the Session, and the Addresses of the Council and House of Burgesses. As the chief thing recommended to this Assembly was the removing some inconveniencies in the execution of the tobacco law, they have very cheerfully gone about it, and in less time than is usual required prepared and passed the Act *etc. enclosed.* to enable the masters of ships to employ their own sloops, boats and sailors in carrying tobacco from the public warehouses on board their ships: By which one great objection of the British merchants is obviated: viz. that their sailors were left without employment while the ships lay here. And indeed I found that a much

1732.

[241]

quicker dispatch would be given to the ships, than when by the former law the planters were to carry their tobacco on board themselves : and now the masters have full liberty to use all the means they ever had to hasten their lading. Nor is it of less satisfaction to the Trade that the sense of the Legislature is now fully declared that no master of a ship shall be hereafter compelled or perswaded to carry any man's tobacco to the public warehouses (as some of the merchants seemed to apprehend) since a motion for adding a clause to this bill to exempt the masters from the penalty for carrying tobacco hereafter in their sloops and boats from the planters' houses to the warehouses was rejected in the House of Burgesses by a very great majority. So very desirous are they to remedy everything that can reasonably be objected by the merchants against the present regulation of this trade. 'Tis a truth my Lord, not to be gainsaid, that had it not been for the law, the country had this year been ruined : and though by the inspection the quantity will be lessened, yet what is sent home will pay the King's duty, if the officers are careful, and will bring the proprietors much more money than if the whole had been exported : besides enabling them to purchase such manufactures in Great Britain as they really want, and what for want of a price for their tobacco they have for sometime gone without, insomuch that their negroes go naked all the winter, have not proper tools to work with, and their quarters for want of nails are tumbling down. Your Lordships were pleased in your letter of this day twelve months date to recommend an impartial execution of the law, which, I am persuaded hath been hitherto very carefully observed. But to this strict and impartial execution, and the late arrival of the ships, hath been owing the tumultuous and unwarrantable behaviour of some loose people in the Northern Neck in burning some of the public warehouses, and threatening an insurrection : yet even amongst those who were the most violent the benefits already felt from this law have reconciled the greatest part, and none but the most notorious for false packing and paying bad tobacco remain discontented. But as the sentiments of the people are best known from their Representatives, and as the addresses herewith sent shew their steadiness to pursue the measures established in the tobacco law ; so if any further proof was necessary of the general inclination of the country, it may be seen in the choice made of new members this session in the room of some dead and others disabled by being sherifs, who are all friends to the law *etc.* There is another bill framing for rendering the tobacco law more easie in the execution : this now I sent I was bent upon securing for the advantage of the merchants, not knowing how the Houses might agree when they come to debate the other amendments, every member I find being ready to gain something of private ease for their countys, without considering so much as they ought the good of the whole. This and the other bills the Assembly are preparing, I shal give your Lordships a particular account of in my next. *Signed*, William Gooch. *Endorsed*, Recd. 31 July. Read 12th Sept., 1732. *Holograph*, 3 pp. *Enclosed*,

1732.

241. i. Lt. Governor Gooch's Speech to the Assembly. 18th May, 1732. Suggests some alterations in the law for *improving the staple of tobacco*, which has proved a great assistance to trade, *etc.* *Printed.* 2 pp.
241. ii. Reply of Assembly to above. They treat with contempt the late tumults and threats of an inconsiderable number of ignorant people, and thank H.E. for supporting the Act against the opposition it has met with in England. Are surprised at the suggestion there that they design to oppress the poor planters, when no hardship can possibly be laid upon them which will not be felt by themselves in a greater degree *etc.* H.E.'s Reply. 20th May. *Printed.* 2 pp.
241. iii. Act to enable masters of ships to employ their own sloops *etc.* in carrying tobacco on board *etc.* *Printed.* 1½ pp. Nos. i.-iii. endorsed as covering letter.
241. iv. Account of Madera wine imported into Virginia. 25th April—25th Oct., 1731. 33 pipes. *Endorsed.* Read 12th Sept., 1732. 1 slip.
241. v. Account of negroes from Africa. 25th April—25th Oct., 1731. By private traders (one ship) 130. *Endorsed as preceding.* 1 slip. [*C.O.* 5. 1323. ff. 29-31 v., 32 v.-38, 39 v., 40 (*with abstract*).]

May 27.
Bermuda.

242. Governor Pitt to the Duke of Newcastle. *Acknowledges* additional Instructions of 10th Dec., relating to duties on negroes or felons imported, and of 29th Dec., relating to whole licences *etc.* *Continues:* I have recommended [*the latter*] to the Assembly, they do not refuse the salary, but for two years that are past, they will not give the arrears, which I think in obedience to H.M. Instruction, as it is an adequate [*sic*], the arrears which I presume are what H.M. in his great goodness intended they should pay me, I have defer'd doing any thing further in it, till I shall have an answer from your Grace signifying H.M. pleasure therein *etc.* *Signed,* John Pitt. 1 p. [*C.O.* 37. 29. No. 15.]

May 27.
Bermuda.

243. *Same* to the Council of Trade and Plantations. Duplicate of preceding, *mutatis mutandis.* *Signed,* John Pitt. *Endorsed,* Recd., Read 21st Feb., 1732½. 1 p. [*C.O.* 37. 12. ff. 118, 121 v.]

May 29.
Boston.

244. Governor Belcher to the Council of Trade and Plantations. Since mine of 6 March last, nothing has occur'd till now worth your Lordship's notice. I have lately been to my other Government of N. Hampshire and held a sessions of that Assembly, and return'd hither the 20 currt. *etc.* *Encloses* Acts of N.H. since his arrival and his Speech to the Assembly and Messages to them *etc.*, by which your Lordships will see there is not a farthing in the Treasury nor wou'd the Representatives supply any money for the support of the Government, or for the payment of what is already justly due to private persons. *Continues:* I therefore dissolv'd the Assembly, and shall issue writts for a new one, at such time as I shall judge it most proper for the

1732.

[244]

King's service and the good of the Province, and am sorry to say that the faction Coll. Dunbar has made in that Government is the reason of this affair, and was it not for that Gentl. every thing in that Government would go on smooth and easy, and much for H.M. honour and interest, and without giving your Lordships, or me any trouble. He has not been there for eight months past, and happy would it be for the people he might never go there again. By the ship that sails next week I shall make full answer to the trifling complaint made against me by 15 discontented persons, some of which I put out of office, to make way for better men: and I think I shall give your Lordships good reasons why Mr. Wentworth and Atkinson can by no means be thought proper to be of H.M. Council there, and humbly hope your Lordships will not urge any mandamus's for them, till I have the honour to write to you again *etc.* *Signed, J. Belcher. Endorsed, Reed. 13th July, Read 3rd Oct., 1732. Enclosed.*

244. i. Governor Belcher's Speech to the Assembly of New Hampshire, 18th May, 1732. I think proper to observe to your mistake, in making a vote to postpone the payment of £292 16s. ballance in Mr. Atkinson's hands (as you and he have made it) which he received as Sheriff for the King, and which ought to have been in the Treasury long ere this time, and which too you have nothing to doe with, and therefore in an especiall manner ought to have been very cautious how you presumed to make a vote to postpone the payment of it, and to screen a gentleman from the law who has been so notoriously delinquent in his duty. *Signed, J. Belcher. Copy, certified by, R. Waldron. Secy. ½ p.*

244. ii. Minutes of Council of N.H., 18th May, 1732. Whereas the House of Representatives have not thought fit to make any supply of the Treasury for defraying the charges of the current year, nor paying the publick debts now justly due, even by their own estimates and allowances, and there not being one penny in the Treasury, and the Province indebted to the Treasurer between 1 and £200, and the payment of what is due to the Province being very precarious, and further, forasmuch as the house have done as much as in them lyes to make it more so, by makeing votes to postpone the payment of £86 10s. in the hands of the borrowers of the £1730, and £292 in the hands of Mr. Atkinson, both which sums ought to have been long agoe in the Treasury. Therefore ordered, that the votes of allowance made by the House of Representatives this session lye for consideration till the next session, the Council apprehending it in vain to make votes of concurrence to those allowances, til the Representatives shall doe their [duty], in making a supply of the Treasury for the discharging of the same. *Copy, certified as preceding. 1 p.*

244 iii. Governor Belcher's Message to the Assembly, 15th May, 1732. Having given his assent to the laws enacted

1732. [244. iii]

this session, awaits vote for supply of the Treasury *etc.* Hopes for dispatch, in order to continue his journey next day. *Signed*. J. Belcher. *Copy, certified as preceding.* $\frac{1}{2}$ p.

244. iv. *Same to Same.* 12th May. I have once and again mentioned to you the supply of the Treasury as a thing absolutely necessary to the support of the Government, and to the safety of the people, *etc.* The Excise Act is expired, and so is the office of Register upon the rising of this session *etc.* I intend to be returning to my other Government on Munday *etc.* *Signed and certified as preceding.* $\frac{1}{2}$ p.

244. v. *Same to Same.* 11th May. Their answer to his Speech (*No. i.*) is so full of assurances of their intention to do with cheerfulness everything for H.M. service and the prosperity of His subjects, leaves him no room to doubt of their making the necessary supply for payment of the public debts, *etc.* Their saying that some other method must be found out for supplying the Treasury, shows that they judge it absolutely necessary that a supply be made. *Assures them* that he will consent to any method they may project agreeable to Justice and H.M. Instructions. Has a sincere compassion for the borderers on the line between the Provinces. Will do everything in his power for their ease, and will share their joy when the lines are settled *etc.* *Signed and certified as preceding.* 1 p. *Nos. i.-v. endorsed.* Recd. 13th July, 1732. [*C.O.* 5, 874. ff. (*with abstract*) 173-174, 176-177, 178, 179, 180, 181, 181 v.]

May 31.
Whitehall.

245. Duke of Newcastle to the Council of Trade and Plantations. I send your Lordships herewith, by H.M. command, an Address and Representation of the Council and Assembly of Jamaica, relating to a late Instruction to their Governor enjoining him not to pass any act for laying dutys upon the importation and exportation of negroes, and I also enclose extracts of his letter upon this subject : It being H.M. pleasure, that you should consider this matter and report to H.M. your opinion what directions are proper to be sent upon it. *Signed*, Holles Newcastle. *Endorsed.* Recd., Read 1st June, 1732. 1 p. *Enclosed*,

245. i. Address of the Council and Assembly of Jamaica to the King. 10th Feb., 173 $\frac{1}{2}$. Beg leave on all occasions to approach H.M., encouraged by his gracious condescension in hearing and relieving them *etc.* It is their very great misfortune at all times to be so distant from your Majesty, but especially when advantages are made of it to their prejudice *etc.* Instance an Instruction lately obtained from H.M., laid before them by the Governor the day after the receipt of it, restraining them from laying duties upon the import or export of negroes, which deprives them of one of the principal branches of supply, and will cause a deficiency which cannot be

1732. [245. i]

supplied any other way. *Continue*: This duty on exportation of negroes commonly called the Additional Duty has been a standing charge on such export since the year 1693. in order to supply all extraordinary occasions of the Government and was never thought unreasonable or burthensome till the late South Sea Company established a Factory in this island to carry on the Assiento Contract which we humbly beg leave to represent of the utmost ill consequence to the inhabitants of this island, who thro' their means are deprived not only of their trade in general to the Spanish settlements but of great part of their strength consisting in the numbers of seamen, at least of one thousand two hundred who were employed in that trade besides near 200 sail of vessels in and to the Bays of Campeachy and Honduras your Majesty's undoubted right and property both which have been in a manner given up by that Company by their attorning tenants to the Crown of Spain and lycensing some few vessels under them to trade to those places *etc.* *Continue*:—We have always been very tender in taxing of trade. We look upon it as inseparable from the planting interest and have generally thrown the burthen upon the latter, but we hope your Majesty will not judge it unreasonable that the merchants who have the protection of the Government should bear some small share in a burthen that lays so heavy upon the rest of your Majesty's subjects here and which must still increase till our intestine enemys the rebellious negroes are suppress'd, of which we see little likelihood at present they having of late been so audacious as to face and defeat some part of the troops which your Majesty was graciously pleas'd to send over for our defence. We beg leave further to represent to your Majesty the great injury we suffer by misrepresentations of being partial in laying of taxes. The sum proposed to be raised by this tax about which so unreasonable a clamour has been raised will not amount to above £8000, whereas this island must necessarily be at an expense of at least £2000 a month for the partys raised to reduce the rebellious negroes, besides what may accrue by the intended settlements in the exposed parts of the island which if they take effect will amount to £20,000 more, over and above the additional subsistance to the two Independant Companys and all other contingencies. So that we humbly hope this tax will neither appear unreasonable nor unequal *etc.* Without this duty all the methods we are pursuing for our security will prove ineffectual, and in our humble opinion nothing but confusion and destruction can attend this Island. As we have always paid the greatest regard and deference to your Majesty's commands, so we should in this present instance, however prejudicial it

1732. [245. i]

might have prov'd to us, if they had arriv'd before our passing the bill for this additional duty, but since it is pass'd here, we humbly hope your Majesty upon the present view of our unhappy condition, will be graciously pleas'd to confirm it, and to revoke these late Instructions. And as your Majesty is pleas'd to allow all your subjects a liberty of raising money for their necessary defence and security, we humbly hope we shall not be the only instance to whom the means and method of doing it shall be denyed. We beg leave to assure your Majesty we shall make a due and proper use of this liberty. We shall lay our taxes without partiality, and such and no other than are consistent with the honour and support of your Majesty's Government and the welfare and security of this island. *Signed*, John Stewart, Speaker. Pass'd the Council the 10th of February, 1731. *Signed*, Jos. Maxwell, Cl. Concil. *Endorsed, as preceding.* 1 large p.

245. ii. Extract of letter from Governor Hunter to the Duke of Newcastle, 19th Feb., 1732. *Endorsed as preceding.* 1½ pp.

245. iii. Extract of letter from Governor Hunter to Mr. Delafaye of same date. *Endorsed as preceding.* 2½ pp. [C.O. 137, 20. ff. 1-4 r., 5 r. (enclosures only : and covering letter only) 137, 19. ff. 126, 127 r.]

May 31.
St. James's.

246. H.M. licence of absence for Governor Hunter for six months in Great Britain, for the recovery of his health and the settling some private affairs, "you taking effectual care to leave things in such a condition that Our service and the welfare of that Our island of Jamaica may suffer no prejudice, etc. *Counter-signed*, Holles Newcastle. *Copy.* [C.O. 324, 50. pp. 8, 9 ; and 324, 36. p. 338.]

May 31.
St. James's.

247. H.M. Additional Instruction to Col. Cosby, Governor of New York. *Quotes* Instruction to Governor Montgomery, 20th Oct., 1727, allotting to the Lt. Governor, in his absence, "one full moiety of the salary, and of all perquisites and emoluments whatsoever which would otherwise become due unto him." Rip Van Dam, President of the Council, who in pursuance of H.M. said Commission took upon him the administration upon the death of Governor Montgomerie, or the eldest Councillor who may have succeeded him, is to receive and enjoy the said moiety until the day of Governor Cosby's arrival, who is to receive, without any deduction the other moiety etc. *Signed*, G.R. *Copy.* [C.O. 324 36. pp. 339-341.]

May 31.
St. James's.

248. H.M. Warrant for a Commission for Governor Lord Howe. *Countersigned*, Holles Newcastle. 16 pp. [C.O. 5, 195. ff. 162-170 v.]

[? June.]

249. Governor Philipps to the Duke of Newcastle. *Refers to* his previous memorials upon the bad condition of Canso etc. As

1732.

[249]

the Board of Ordnance are now sending out a ship with stores to that garrison, proposes that "a person be sent over, from that Board in the said ship, to make his observations on the situation and condition of that place, with directions to report what is necessary to be done for its preservation, and the encouragement of the settlement and trade there." *Without date or endorsement.* 1 p. [C.O. 217. 39. f. 57.]

June 1.
Jamaica.

250. Governor Hunter to the Council of Trade and Plantations. By expresses from Port Antonio I am advis'd that our partys sent out in pursuit of the rebel slaves have been oblig'd by the violence of the rains to return back again, but the weather having set in fair for some days past, Allen with his guide Sambo and the party under his command march'd out again in pursuit of those rebels on the 13th inst., since which time I have had no advice of him but expect good news, depending more on him and the little successfull party under his command than on Peters, recommended by the Assembly, who at the head of a much stronger party, and contrary to his Instructions, which were to pursue those rebel slaves, sat still in the negro town and slipt the opportunity of immediately improving the first blow, but the intrest he had with the volunteers and negroes under his command made it somewhat dangerous to remove him at that critical juncture, least they should desert the service, and he promising to make amends for his pass'd ill conduct, it was judg'd necessary to continue him in the command: and he is now marching out in pursuit of the rebels, whilst Capt. Morrison with a party of the soldiary inlisted in the country's service keeps possession of the negro towns lately taken, and the detachment from the Independent Companys the post at the Brestwork to guard the provisions lodg'd there for the use of the partys, and the town of Titchfield from any surprize by the rebels *etc.* *Transmits* duplicates of acts, journals and minutes of Council and Assembly for the session ending 11th Feb., and will transmit those of the last session, ending 6th inst. so soon as they can be got ready. Encloses list of acts pass'd in it. *Continues:* The act for the better settling the *East and North East parts of this island etc.*, is a very good one and much better calculated for the effectual reduction of the rebels and settling those parts than any one hitherto pass'd, which together with the act for continuing part of two acts *etc.* which obliges the several parishes to send out their partys in pursuit of the rebel slaves dispers'd, or that we hope will soon be dispers'd, will probably enable us to extirpate these rebels or reduce them to so low a state as to free us from the apprehensions of any mischief from them, if we can fall upon any methods to prevent our own negroes deserting the service which on all occasions they are apt to do and so impatient to visit their homes, and little plantations, that they are ready to risque any punishment the Legislature has hitherto thought fitt to lay on them, as slaves, for such their desertion; The other evil we labour under which has been, and I am afraid will be a great obstruction to this service is the want of money, our Treasury having been for some time quite exhausted,

1732. [250]

and the means for collecting the outstanding debts of our publick funds difficult, and will be (I doubt) tho' necessary somewhat greivous to the subject, taxes having fallen heavily of late, which however will be greatly lessen'd if the two acts before mention'd answer our expectations. *P.S.* Since I had the honor to write last to your Lordships I have receed. an account that a gang of rebels since the defeat of those at their principal settlements have fallen down on St. Elizabeths to leeward upon the plantation of Mr. Barelay kill'd six of his negroes and carry'd off eight and a child which they dash'd against a rock and left for dead but was found alive tho' much wounded by the country party which pursu'd them without success. Immediately after another party of them fel in upon Mr. Woodstock's plantation in the same parish carry'd off eight of his negroes and kill'd two. I have also receed. advice that Allen with the party under his command was after having pursu'd a body of the rebels for some days and taken one of them arriv'd at Plantain Garden River in his way to Morant where he will be with all speed recruited with fresh provisions and have orders to march out again. *Signed, Ro. Hunter. Endorsed, Reed, 1st. Read 12th Sept., 1732. 4 $\frac{3}{4}$ pp. Enclosed.*

250. i. List of Acts passed 6th May, 1732. (i) *Act for continuing part of two acts for suppressing the rebellious negroes etc. ; (ii) for keeping a nightly watch in Kingston and for the prevention of damage by fire ; (iii) for the better settling the East and North parts of this island etc. ; (iv) to prevent the landing or keeping of negroes infected with the small-pox in any of the three towns of St. Catherine, Port Royal and Kingston ; (v) to enable trustees to dispose of land etc., late the estate of Thomas Tomlin, planter, decd. Same endorsement. 1 $\frac{1}{4}$ pp. [C.O. 137, 20. ff. 71-73, 74, 74 v., 75 v., 76 v.]*

June 1.
Jamaica.

251. Governor Hunter to the Duke of Newcastle. I have the honor to inclose your Grace an humble Address of our Council and Assembly to H.M. with a copy of H.M. orders signified to me in a letter from the Secretary at War, and also a copy of a message I receed. from the Assembly with a message I sent them some days after by the advice of H.M. Council here in answer to theirs, and on which the words *solemn assurance* mention'd in the Address is founded. I must beg leave (to avoid repetition) to refer your Grace for a more particular account of our present circumstances here to the inclos'd copy of my letter to the Lords of Trade *etc.* *Signed, Ro. Hunter. Endorsed, R. 1st April. 1 $\frac{1}{2}$ pp. Enclosed,*

251. i. Duplicate of encl. i preceding (*No. i.*).

251. ii. Copy of Hunter to C. of T. preceding (*No. 250.*).

251. iii. Message from the Assembly to Governor Hunter, 12th June, 1731. Enquire for what time the provisions sent hither by H.M. order for the two Regiments was intended to subsist them. *Copy. $\frac{2}{3}$ p.*

251. iv. Governor Hunter to the Assembly. Message in reply to preceding. 15th June, 1731. Has received some

1732. [251. iv]

dry provisions with a letter from the Secretary at War signifying H.M. pleasure that the same shall be issued for the use of the two regiments, and has advice of another ship ordered out with wet provisions for the same purpose, but has received no account for what time they were intended to subsist them. However, he will take care that by distributing them the country's additional subsistence shall be saved to the publick, during the time the said provisions shall last. *Copy.*
³/₄ p.

251. v. Sir Wm. Strickland to Governor Hunter. Whitehall, 14th May, 1731. As *etc.* the Assembly of Jamaica hath provided for the subsistence of the King's troops there, it is H.M. pleasure that you sell the provisions lately sent to the best advantage *etc.* and reserve the money for H.M. service *etc.* *Signed,* Wm. Strickland. *Copy.*
³/₄ p.

251. vi. Address of the Council and Assembly of Jamaica to the King, 6th May, 1732. The indulgence your Majesty has always shewn to your unfortunate yet dutifull and loyal subjects of your island of Jamaica encourages us *etc.* to approach your royal throne with our humble supplication that your Majesty will be graciously pleased to alleviate the wants of this distressed Colony by bestowing on it the money arising from the sale of several provisions which through your Princely bounty were sent over for the subsistence of the two Regiments lately recalled. It was out of duty to your Majesty that the Legislature here raised a heavy tax for an additional subsistence for those regiments at a time when the island was groaning under several misfortunes which still oppress it and H.E. the Governor being very sensible thereof did give us a solemn assurance that he would take care that by distributing those provisions the country's additional subsistence should be saved to the publick during the time the said provisions should last. But as yet your subjects of Jamaica have not reaped the fruits of such your Majesty's intended benevolence according to H.E.'s promise who was afterwards restrained from performing the same by your Majesty's order *etc.* (v. encl. v.). Your Majesty's gracious condescension to our humble request will raise the drooping spirits of the inhabitants of this suffering island, who, however depressed and dejected, do incessantly send up their ardent prayers for the happiness and prosperity of your Majesty and your Royal Family *etc.* *Signed,* Jos. Maxwell, Cl. Concil.; Jno. Stewart, Speaker. *Copy.* 1 p. [C.O. 137, 54. ff. 74, 74 v., 75 v.-76 v., 78-80, 82, 84, 86, 88.]

June 1.
 Jamaica.

252. Governor Hunter to Sir. Wm. Strickland. *Refers to* Address and messages *etc.* (encl. iii-vi.), and repeats letter to

1732. [252]

C. of T. 1st June. *Copy (probably enclosed in preceding letter to D. of Newcastle).* 2½ pp. [C.O. 137, 54. ff. 90-91.]

June 2.

253. Lewis Morris, President of the Council of New Jersey, to the Duke of Newcastle. *Abstract.* He communicated to the Council what he wrote to the Duke upon their Address, in order "to remove any umbrage of suspicion they might possibly have had, that I was not altogether so sanguine on the account of a separte governour as themselves." *Continues* :—It is verry true that a separte governour is the warm desire of the greatest part of the people ; but it is as true that many are indifferent about it ; and those of the inhabitants in the neighbourhood of New York (which are not inconsiderable) I believe are against it, and many of them would rather choose to be annexed to New York then to be as they are. The foundation for trade in this Province is of the same nature with that of New York, but the produce it yields is chiefly sent to New York and Pensylvania in returne for the goods they are supply'd with from those places. They ship off some wheat and pipe staves to forreigne markets ; and this is owing to an act of the Assembly here that lays a great duty upon those commodities if carried to any of the neighbouring plantations. But this wheat etc. is chiefly bought by the inhabitants of New York who send their ships down to Jersie to load for ye transportation of it to forreign markets, the inhabitants of New Jersie not being as yet capable of doing of it themselves, but think if they had a governour of their own separte from that of New York many of the merchants of New York and Pensylvania would be layd under a sort of necessity to come and dwell among them. What that may do I cannot tell, but at present New York and Pensylvania has much the advantage of them with respect to trade ; and how farr it may be consistant with H.M. service to indulge them in their desires of a distinct governour is what I dare not take the lebrty of giving any opinion of with H.M. expresse command. I believe the persons appointed governours of New York have when in London thought the addition of the government of New Jersie of much more vallue then they have found it to be in America ; the expences of their attending on it generally amounting to as much as the proffits arising from it, and sometimes more : of which I have heard Mr. Montgomerie complaine with some acrimony. The rendring governours and all other officers intirely dependant on the people is the generall inclination and endeavour of all the Plantations in America, and nowhere pursued with more steadinesse and less deceney than in New Jersie, and were they indulg'd with a separte governour before they had made a proper provision for his support and that of the officers of the government, he must be a man of verry uncommon abillities who will be capable of working them up to their duty etc. The Province is divided into two divisions, and was under separte government under the Proprietors, and would be again, if the inhabitants modelled it according to their own inclinations. In neither is there any house set apart for the Governour ; each of the divisions are desirous of fixing his residence among them,

1732.

[253]

which may possibly be attended with a suitable provision in both ; but it is not unlikely that to defeat each other, there may be no provision in either *etc.* Gentlemen of the Council live very remote from each other, and most of them from the capitals (which consist of about 200 houses) each taking some outhouses into the account, and the Assembly can never be prevailed on for making any provision for the expences of their meeting unless at such times when they attended the meeting of an Assembly and even then but five shillings this money (about 3s. 4d. sterl.) per diem, so that it is almost impracticable to get a sufficient number of them together. Two are dead and one almost superannuated. Submits names for filling vacancies, and particularly recommends for the Eastern Division Richard Ashfield, as being one of the general Proprietors of the soil and one full 24th part of the Eastern Division belonging to him. The Militia is in a very bad condition. The late act makes the penalty so small, *etc.* that people choose to pay rather than appear ; and the inhabitants seem so little fond of military honour that he can hardly find a man willing to take a commission *etc.* Has been told that his Grace has expressed willingness to recommend him for the Government, in case a distinct Governor is appointed. Was not vain or ambitious enough to ask for it. Recalls his services in inducing the Proprietors to surrender the government. But having left England before the surrender, Queen Anne's kind intentions towards him on that account were diverted by the much superior interest of the then Earl of Rochester, in favour of his nephew the Lord Cornbury *etc.* Encloses Minutes, and hopes H.M. will approve his conduct, being done with a view of promoting the publick good and H.M. service " *etc.* " *Set out.* N. J. Archives, 1st Ser. V. 314. *Signed,* Lewis Morris. *Endorsed,* Reed., R. 2nd Augt. 4 *large pp.* *Enclosed,*

253. i. Minutes of Council of New Jersey, 7th July—30th Nov., 1731. *Copy.* 5 *pp.* [C.O. 5. 983. ff. 21, 22, 23, 24, 25, 25 v., 35, 36 v.]

June 5.
Whitehall.

254. Order of Committee of Privy Council. Referring following to the Council of Trade and Plantations for their report. *Signed,* W. Sharpe. *Endorsed,* Reed. (with Mr. Wood's letter of 15th July) 17th. Read 18th July, 1732. 1 *p.* *Enclosed,*

254. i. Petition of the Society of Merchants Adventurers of Bristol to the King. Governor Hunter, in defiance of his Instructions, 10th Dec., 1731, and the report of the Board of Trade, has passed an act laying a duty on negroes imported and exported *etc.* (v. 15th July). The better to colour his acting thus in defiance *etc.* he has transmitted an Address of the Council and Assembly of Jamaica (v. 31st May, No. 245). Petitioners conceive H.M. said Instruction is founded on the highest reason for encouraging the trade of H.M. subjects and increasing the British Settlements in America, and that there is not any one thing offered in the said Address which has shewn the contrary *etc.* Petitioners hope it will not be judged

1732. [254. i]

reasonable that the Trade and Navigation of this Kingdom shall be taxed because the South Sea Company's carrying on the Assiento Contract may be of prejudice to Jamaica or because the Island must necessarily be at an expense of £2000 a month to reduce the rebellious negroes and £20,000 for the intended settlements *etc.* (c. 31st May), since the value of the commodys produced in Jamaica is much greater than at any time heretofore *etc.* *Pray that* the act may be immediately disapproved and the Governor directed to adhere to his Instruction of 10th Dec., 1731. *Copy.* 1 $\frac{3}{4}$ pp. [*C.O.* 137. 20. ff. 10, 11–12 v., 13 v.]

June 6. **255.** Order of Committee of Privy Council. Approving Whitehall. representation of the Council of Trade and Plantations of 26th May, and ordering that they prepare instructions to Governor Johnson for granting 48,000 acres to Mr. Purry, (subject to the quit rent reserved by his Instructions after the expiration of the first ten years) upon the conditions proposed by the Lords Commissioners for Trade and Plantations, and likewise upon the further condition, that if any of the lands so granted, shall not be cultivated within the space of ten years from the date of the grant, such lands shall revert to the Crown *etc.* *Signed,* W. Sharpe. *Endorsed.* Reed. 9th, Read 13th June, 1732. 2 $\frac{1}{2}$ pp. [*C.O.* 5, 362. ff. 87–88 v.]

June 7. **256.** Duke of Newcastle to the Council of Trade and Whitehall. Plantations. *Encloses* following and signifies H.M. pleasure that the representation and copies of Instructions desired be laid before the House the next session of Parliament. *Signed,* Holles Newcastle. *Endorsed.* Reed., Read 8th June, 1732. 1 p. *Enclosed,*

256. i. Addresses of the House of Commons to the King. 25th May, 1732. *Desire that* the Commissioners for Trade *etc.* prepare a further representation to be laid before the House next session of the state of H.M. Colonies and Plantations in America, with respect to any laws made, manufactures set up, and trade carried on there, which may affect the Trade, Navigation and Manufactures of this Kingdom; with copies of the several Instructions given by Her late Majesty, His late Majesty and His present Majesty to the respective Governors relating to the taking or not taking any sums of money by way of present or salary from the inhabitants, and when and how the same have at any time been varied; and also of such directions as have been given by their said Majesties for the repair of the forts and fortifications of Barbadoes and the Leeward Islands. *Copy.* 1 $\frac{1}{2}$ pp. [*C.O.* 323. 9. ff. 114, 115, 115 v., 117 v.]

[June 9.] **257.** Memorial of Richard Shelton to the Council of Trade and Plantations. *Recalls* his services as Secretary for 20 years to the

1732. [257]

late Lords Proprietors of the Carolina and the Bahama Islands. He suffered after the conclusion of the surrender of Carolina, which he had taken much pains to bring about. By his great industry and application he has brought about a treaty for the absolute surrender of the Bahama Islands. He is owed for arrears of salary and rent of office *etc.* nearly £1000. He did not put that debt into the demand made to the Crown, least it should have given occasion for inserting other large debts *etc.* and hinder that agreement. *Prays for consideration*, he being now out of employment. *Endorsed*, Recd., Read June 9th, 1732. 1 p. [C.O. 23. 3. ff. 51, 54 v.]

June 9.
Westminster.

258. Copy of the Charter of Incorporation of the Trustees for establishing the Colony of Georgia. *The preamble runs:—* “Whereas We are credibly informed that many of Our poor subjects are through misfortune and want of employment, reduced to great necessities, insomuch as by their labour they are not able to provide a maintenance for themselves and families, and if they had means to defray the charge of passage and other expences incident to new settlements, they would be glad to be settled in any of Our Provinces in America, where, by cultivating the lands at present waste and desolate, they might not only gain a comfortable subsistence for themselves and families, but also strengthen Our Colonies and encrease the Trade, Navigation and Wealth of these Our realms; and whereas Our Provinces in America have been frequently ravaged by Indian enemies more especially that of South Carolina, which in the late war, by the neighbouring savages was laid waste with fire and sword, and great numbers of the English inhabitants miserably massacred, and Our loving subjects who now inhabit there, by reason of the smallness of their numbers, will in case of any new war be exposed to the like calamitys, in as much as their whole southern frontier continueth open to the said savages: and whereas We think it highly becoming Our crown and royal dignity to protect all Our loving subjects, be they never so distant from us, to extend Our fatherly compassion even to the meanest and most unfortunate of Our people, and to releive the wants of Our abovementioned poor subjects; And that it will be highly conducive for accomplishing those ends, that a regular Colony of the said poor people be settled and established in the southern frontiers of Carolina; and whereas We have been well assured that if We would be graciously pleased to erect and settle a Corporation for the receiving managing and disposing of the contributions of Our loving subjects, divers persons would be induced to contribute to the uses and purposes aforesaid: KNOW YEE therefore that We have *etc.* of Our special grace, certain knowledge, and meer motion, willed, ordained, constituted and appointed, and by these presents for us, Our heirs and successors do will ordain, constitute, declare and grant, that Our right trusty and well-beloved John, Lord Viscount Percival of Our Kingdom of Ireland, Our trusty and wellbeloved Edward Digby, George Carpenter, James Oglethorpe, George Heathcote, Thomas Tower, Robert

1732. [258]

More, Robert Hucks, Rogers Holland, William Sloper, Francis Eyles, John Laroche, James Vernon, William Belitha, Esqrs., Stephen Hales, Mastr. of Arts, John Burton, Batchelor in Divinity, Richard Bundy, Master of Arts, Arthur Bedford, Master of Arts, Samuel Smith, Master of Arts, Adam Anderson and Thomas Coram Gent., and such other persons as shall be elected in the manner hereafter mentioned, and their successors to be elected in manner as hereinafter is directed, be and shall be one body politick and corporate in deed and in name by the name of the *Trustees for establishing the Colony of Georgia in America*” etc. The Trustees are empowered to purchase and receive lands, tenements etc., and to plead and act in as ample manner as any British subject : to have a common seal, and meet to carry on their business etc. On the 3rd Thursday in March yearly they may meet, and they or two-thirds of such of them as shall be present, may, between 10 a.m. and 4 p.m. elect members of the Corporation, and they, or the major part of them present, elect persons to fill the room of Common Councillors deceased or resigning. Persons elected to the Common Council shall take an oath to be administered by the President of the Corporation for the faithfull and due execution of their office. Our will and pleasure is that the first President shall be John, Lord Viscount Percival etc., and that he shall within 30 days after the passing of this Charter summon the several Members of the Corporation herein particularly named, to meet, to consult about and transact the business of the Corporation etc. The Common Council shall consist of fifteen etc. : and We do by these presents appoint *the first fifteen of those enumerated above (Percival—Hales)* to be the Common Council, to continue in their offices during their good behaviour. “ And whereas it is Our royal intention that the Members of the said Corporation shall be increased by election as soon as conveniently may be to a greater number than is hereby nominated, Our further will and pleasure is that at the same time the Common Council shall be increased by election in the manner before directed to twenty-four etc. Edward Digby to be Chairman of the Common Council, and Lord Percival President of the Corporation until the meeting next after the first meeting etc., at which second meeting and at every subsequent meeting of the Corporation or Common Council respectively, all and every member of the said Common Council for the time being shall severally and respectively in their turns preside at the meetings of the Corporation or Common Council etc. The President or Chairman shall vote and act as a Member of the Corporation or Common Council, with a casting vote in case of equality of votes etc. Neither shall receive any salary, fee or perquisite, but both shall take an oath for the faithful and due execution of their trust. No person, who in his own or that of any other shall have any place of profit under the Corporation, shall be capable of being elected a Member of the Corporation, and any Member accepting such employment shall cease to be a Member of the Corporation. The Corporation, or major part thereof, at any meeting convened by proper notice for that purpose, shall have

1732. [258]

power to appoint persons to take subscriptions for the purposes aforesaid *etc.* The Corporation shall every year lay an account in writing before the Chancellor or Keeper of the Great Seal, the Chief Justices of the Courts of King's Bench and Common Pleas, the Master of the Rolls and Chief Baron of the Exchequer, or any two of them, of all moneys or effects by them received or expended for the carrying on the good purposes aforesaid. The Corporation is empowered to make, alter or annul such laws, constitutions, orders and ordinances as to them or the greater part of them at their general meeting by that purpose shall seem meet, necessary and convenient for the well ordering and governing of the said Corporation *etc.*, and to impose reasonable pains and penalties upon transgressors thereof *etc.*, so always as the said by-laws, penalties *etc.* be reasonable, and not contrary or repugnant to the Laws and Statutes of this Our realm. Such laws *etc.* to be confirmed by the general meeting of the Corporation kept next after the same shall be respectively made. *Continues*: And whereas the said Corporation intend to settle a Colony and to make an Habitation and Plantation in that part of Our province of South Carolina in America hereinafter described, *Know Ye* therefore that We greatly desiring the happy success of the said Corporation, for their further encouragement in accomplishing so excellent a work, have of Our especial grace certain knowledge and meer motion given and granted, and by these Presents for Us, Our heirs and successors, do give and grant to the said Corporation and their successors, under the reservations, limitations and declarations hereafter expressed, seven undivided parts (the whole into eight equal parts to be divided) of all those lands, countries and territories situate, lying and being in that part of South Carolina in America which lies from the most northern stream of a river commonly called the Savanah, all along the sea coast to the southward unto the most southern stream of a certain other great water or river called the Alatamaha and westward from the heads of the said rivers respectively in direct lines to the South Seas, and all that space, circuit and precinct of land lying within the said boundaries, with the islands in the sea lying opposite to the eastern coast of the said lands within twenty leagues of the same, which are not already inhabited or settled by any authority derived from the Crown of Great Britain, together with all the soils, grounds, havens, ports, gulphs and bays, mines as well royal mines of gold and silver, as other minerals, precious stones, quarrys, woods, rivers, waters, fishings as well royal fishings of whale and sturgeon, as other fisherys, pearls, commodities, jurisdictions, royalties, franchises, privileges and preheminencies within the said territories and the precincts thereof, and thereunto in any sort belonging or appertaining, and which We by Our Letters Patents may or can grant, and in as ample manner and sort as We or any Our royal progenitors have hitherto granted to any Company, Body Politick or Corporate, or to any Adventurer or Adventurers, Undertaker or Undertakers of any discoveries, or plantation or traffick of, in or into any foreign parts whatsoever, and in as large and ample manner as if the same were herein

1732. [258]

particularly mentioned and expressed. To have, hold, possess and enjoy the said seven undivided parts *etc.* for the better support of the said Colony, to be holden of Us, Our heirs and successors as of Our Honour of Hampton Court *etc.* in fee and common soccage and not in capite : yeilding and paying therefore to Us, Our heirs and successors yearly for ever the sum of four shillings for every hundred acres of the said lands which the said Corporation shall grant, demise, plant or settle, the said payment not to commence or be made until ten years after such grant *etc.* in such species of money or notes as shall be current in payment by Proclamation from time to time in S. Carolina *etc.* All which lands, countrys, territorys and premises hereby granted *etc.*, We do by these presents make, erect and create one independent and seperate Province by the name of GEORGIA, by which name We will the same henceforth to be called, and that all and every person and persons who shall at any time hereafter inhabit or reside within Our said Province shall be and are hereby declared to be free, and shall not be subject to or be bound to obey any laws, orders, statutes or constitutions which have been heretofore made, ordered or enacted, or which hereafter shall be made, ordered or enacted by, for or as the laws, orders, statutes or constitutions of Our said Province of South Carolina, save and except only the command in chief of the militia of Our said Province of Georgia to Our Governor for the time being of South Carolina, in manner hereinafter to be declared, but shall be subject to and bound to obey such laws, orders, statutes, and constitutions as shall from time to time, be made, ordered and enacted for the better government of the said Province of Georgia in the manner hereinafter directed : And We do hereby *etc.* ordain, will and establish that for and during the term of one and twenty years, to commence from the date of these Our Letters Patent, the said Corporation assembled for that purpose, shall and may form and prepare laws, statutes and ordinances fit and necessary for and concerning the Government of the said Colony, and not repugnant to the laws and statutes of England, and the same shall and may present under their common seal to Us, Our heirs and successors in Our or their Privy Council, for Our or their approbation or disallowance, and the said laws, statutes and ordinances being approved by Us, Our heirs or successors in Our or their Privy Council, shall from thenceforth be in full force and virtue within Our said Province of Georgia : and forasmuch as the good and prosperous success of the said Colony cannot but chiefly depend next under the blessing of God and the support of Our royal authority, upon the prudent and good direction of the whole enterprize, and that it will be too great a burthen upon all the members of the said Corporation to be convened so often as may be requisite to hold meetings for the settling, supporting, ordering and maintaining such Colony, Therefore We do will, ordain and establish that the said Common Council for the time being, of the said Corporation being assembled for that purpose, or the major part of them shall from time to time and at all times hereafter have full power and authority to dispose of, expend and apply all

1732. [258]

the monys and effects belonging to the said Corporation in such manner and ways and in such expences as they shall think best to conduce to the carrying on and effecting the good purposes herein mentioned and intended, and also shall have full power in the name, and on the account of the said Corporation, and with and under their common seal, to enter into any covenants and contracts for carrying on and effecting the purposes aforesaid. And Our further will and pleasure is, that the said Common Council for the time being, or the major part *etc.* assembled for that purpose *etc.* may appoint or remove *etc.* a Treasurer, Secretary other Officers *etc.* and reasonable salaries for their labours *etc.*, and all such officers shall, before they act in their respective offices, take an oath to be to them administred by the Chairman for the time being of the said Common Council *etc.*, for the faithfull and due execution of their respective offices *etc.* The Treasurer and Secretary shall be incapable of being a Member of the Corporation *etc.* And We do further, of Our special Grace, certain knowledge and meer motion for us, Our heirs and successors grant by these presents to the said Corporation and their successors, that it shall be lawfull for them and their Officers or Agents at all times hereafter to transport and convey out of Our realm of Great Britain or any other Our Dominions into the said Province of Georgia, to be there settled, all such and so many of Our loving subjects or any foreigners that are willing to become Our subjects and live under Our allegiance in the said Colony, as shall willingly go to inhabit and reside there, with sufficient shipping, armour, weapons, ordnance, munition, powder, shott, victuals and such merchandize or wares as are esteemed by the wild people in those parts, cloathing, implements, furniture, cattle, horses, mares and all other things necessary for the said Colony and for their use and defence and trade with the people there, and in passing and returning to and from the same. Also we do for Us, Our heirs and successors declare by these presents that all and every the persons which shall happen to be born within the said Province, and every of their children and posterity shall have and enjoy all liberties, franchises and immunitys of free denizens and natural born subjects within any of Our Dominions, to all intents and purposes as if they had been abiding and born within this Our Kingdom of Great Britain or any other of Our Dominions : and for the greater care and encouragement of Our loving subjects and such others as shall come to inhabit in Our said Colony, We do by these presents for Us, Our heirs and successors grant, establish and ordain that for ever hereafter there shall be a liberty of conscience allowed in the worship of God to all persons inhabiting or which shall inhabit or be resident within Our said Province, and that all such persons, except Papists, shall have a free exercise of their religion so they be contented with the quiet and peaceable enjoyment of the same, not giving offence or scandal to the Government : And Our further will and pleasure is, and We do hereby for Us, Our heirs and successors declare and grant, that it shall and may be lawfull for the said Common Council or the major part of them assembled for that purpose, in the name

1732. [258]

of the Corporation and under their common seal, to distribute, convey, assign and set over such particular portions of the lands, tenements and hereditaments by these presents granted to the said Corporation, unto such of Our loving subjects natural born or denizens or others that shall be willing to become Our subjects and live under Our allegiance in the said Colony, upon such terms and for such estates and upon such rents, reservations and conditions as the same may lawfully be granted, and as to the said Common Council or the major part of them so present may seem fit and proper : *Provided* always that no grant shall be made of any part of the said lands unto any person being a member of the said Corporation or to any other person in trust for, or for the benefit of, any member of the said Corporation, and that no person having any estate or interest in law or equity in any part of the said lands shall be capable of being a member of the said Corporation *etc.* : *Provided* also that no greater quantity of the said Court be granted either intirely or in parcells to, or to the use of or in trust for any one person than 500 acres, and that all grants made contrary to the true intent and meaning hereof shall be absolutely null and void *etc.* The Corporation to appoint persons to administer the oaths appointed instead of the oaths of allegiance and supremacy, and also the oath of abjuration to all persons inhabiting or residing within the Colony *etc.*, and in like cases the solemn affirmation to any of the persons commonly called Quakers, in such manner as by the laws of Great Britain the same may be administred *etc.* We do, of Our further grace *etc.* ordain *etc.*, that the said Corporation shall have full power and authority for and during the term of one and twenty years to commence from the date of these Our Letters Patents, to erect and constitute judicatures and Courts of Record or other Courts to be held in the name of Us, Our heirs and successors, for the hearing and determining of all manner of crimes, offences, pleas *etc.* arising within the said Province *etc.* Such Courts *etc.* to have full power to administer oaths, or the solemn affirmation for the discovery of truth *etc.* And Our further will and pleasure is that the said Corporation do from time to time and at all times hereafter register or cause to be registered all such leases, grants, plantings, conveyances, settlements and improvements whatsoever, as shall at any time hereafter be made by or in the name of the said Corporation of any lands, tenements or hereditaments within the said Province, and shall yearly transmit *etc.* authentick accounts of such leases, grants, conveyances, settlements and improvements respectively, unto the Auditor of the Plantations *etc.* and Our Surveyor of S. Carolina *etc.*, to whom We do hereby grant full power and authority from time to time as often as need shall require, to inspect and survey such of the said lands and premises as shall be demised, granted and settled as aforesaid, which said survey and inspection We do hereby declare to be intended to ascertain the quit rents which shall from time to time become due to Us, Our heirs and successors, according to the reservation herein before mentioned and for no other purpose whatsoever, hereby for Us, Our heirs and successors strictly enjoyning and commanding

1732.

[258]

that neither Our nor their Surveyor or any person whatsoever under the pretext and colour of making the said survey or inspection shall take, demand or receive any gratuity, fee or reward *etc.*, on the pain of forfeiture of their office and incurring Our highest displeasure *etc.*; *provided* always *etc.* that all leases, grants and conveyances to be made by or in the name of the said Corporation, of any lands within the said Province, or a memorial containing the substance and effect thereof, shall be registred with the Auditor of the Plantations *etc.* within the space of one year from the date thereof *etc.*, otherwise the same shall be void: And Our further will and pleasure is, that the rents, issues and all other profits which shall at any time hereafter come to the said Corporation, issuing or arising out of or from the said Province, *etc.* shall *etc.* be laid out and applied in such expences and in such manner as the Common Council of said Corporation, or the major part of such of them as shall be present at any meeting for that purpose assembled, shall think will most improve and enlarge the said Colony, and best answer the good purposes herein before mentioned, and for defraying all other charges about the same *etc.* The said Corporation shall from time to time give unto one of the principal Secretaries of State and to the Commissioners of Trade and Plantations accounts of the progress of the said Colony. And Our will and pleasure is that no act done at any meeting of the said Common Council shall be effectual and valid unless eight members at least of the said Common Council including the Member who shall serve as Chairman [of] the said meeting be present, and the major part of them consenting thereunto. And Our will and pleasure is, that the Common Council *etc.*, or the major part of them who shall be present, being assembled for that purpose, shall from time to time, for, during and until the full end and expiration of twenty-one years to commence from the date of these Our Letters Patents, have full power and authority to nominate, make, constitute, commission and appoint by such name or names, stile or stiles as to them shall seem meet and fitting, all and singular such Governours, Judges, Magistrates, Ministers, and Officers, civil and military, both by sea and land, within the said district as shall by them be thought fit and needfull for the government of the said Colony *etc.*, (save always and except such Officers only as shall by Us, Our heirs and successors be *etc.* appointed for the managing, collecting and receiving such revenues as shall from time to time arise within the said Province *etc.* and become due to Us *etc.*). *Provided* always And it is Our will and pleasure that every Governor of the said Province of Georgia to be appointed by the Common Council *etc.* before he shall enter upon or execute the said office of Governour, shall be approved by Us, Our heirs or successors, and shall take such oaths and shall qualify himself in such manner in all respects as any Governour or Commander in Chief of any of Our Colonys or Plantations in America are by law required to do, and shall give good and sufficient security for observing the several Acts of Parliament relating to Trade and Navigation, and to observe and obey all Instructions that shall be sent to him by Us, Our heirs or

1732. [258]

successors, or any acting under Our or their authority, pursuant to the said acts or any of them *etc.* The said Corporation *etc.* shall have full power *etc.* by any officer *etc.* by them appointed to train, instruct, exercise and govern a militia for the special defence and safety of Our said Colony, to assemble in martial array and put in warlike posture the inhabitants of the said Colony, and to lead and conduct them, and with them to encounter, expulse, repell, resist and pursue by force of arms, as well by sea as by land, within or without of Our said Colony, and also to kill, slay, destroy and conquer by all fitting ways, enterprizes and means whatsoever, all and every such person and persons as shall at any time hereafter in an hostile manner attempt or enterprize the destruction, invasion, detriment or annoyance of Our said Colony : And to use and exercise the Law Martial in time of actual war, invasion or rebellion in such cases where by the law the same may be used or exercised, and also from time to time to erect forts, and fortify any place or places within Our said Colony, and the same to furnish with all necessary ammunition, provision and stores of war for offence and defence, and to commit from time to time the custody and government of the same to such person or persons as to them shall seem meet ; and the said forts and fortifications to demolish at their pleasure, and to take and surprize by all ways and means whatsoever all and every such person or persons with their ships, arms, ammunition and other goods as shall in an hostile manner invade or attempt the invading, conquering or annoying of Our said Colony. And Our will and pleasure is, *etc.* that the Governour or Commander in Chief of the Province of South Carolina *etc.*, shall at all times hereafter have the chief command of the Militia of Our said Province hereby erected and established ; and that such Militia shall observe and obey all orders and directions that shall from time to time be given or sent to them by the said Governour or Commander in Chief, any things in these presents before contained to the contrary thereof in any wise notwithstanding. And of Our more especial grace, certain knowledge and meer motion, We *etc.* do give and grant unto the said Corporation *etc.* full power and authority to import and export their goods at and from any port or ports that shall be appointed by Us, Our heirs or successors within the said Province of Georgia for that purpose, without being obliged to touch at any other port in Carolina ; And we do by these presents for Us, Our heirs and successors will and declare that from and after the determination of the said term of one and twenty years, such form of government and method of making laws, statutes and ordinances for the better governing and ordering the said Province of Georgia and the inhabitants thereof shall be established and observed within the same, as We, Our heirs or successors shall hereafter ordain and appoint, and shall be agreeable to law, and that from and after the determination of the said term of one and twenty years the Governour of Our said Province of Georgia and all Officers civil and military within the same, shall from time to time be nominated constituted and appointed by Us, Our heirs and successors. And lastly We do

1732.

[258]

hereby for Us, Our heirs and successors grant unto the said Corporation and their successors that these Our Letters Patents or the inrollment or exemplification thereof shall be in and by all things good, firm, valid, sufficient and effectual in the law according to the true intent and meaning thereof, and shall be taken, construed and adjudged in all Our Courts and elsewhere in the most favourable and beneficial sense, and for the best advantages of the said Corporation and their successors, any omission, imperfection, defect, matter, cause or thing whatsoever to the contrary in anywise notwithstanding. In witness whereof We have caused these Our letters to be made patents. Witness Ourselves at Westminster the 9th day of June in the fifth year of Our reign. By Writ of Privy Seal. *Countersigned*, Cocks. This copy was examd. and compar'd with the origl. Charter, receiv'd from James Oglethorpe, Esq. (5 skins) pr. S.G. 8th Nov., 1732. [C.O. 324, 49. pp. 87-115.]

June 10.
Annapolis
Royal.

259. Lt. Governor Armstrong to the Council of Trade and Plantations. *Refers to letter etc. of 5th Oct. etc. and reduced number of Councillors.* *Continues* :—In consideration whereof, with the advice of the Council, which then consisted only of Major Alexr. Cosby, Major Paul Mascarene, John Adams, William Skene and William Shirreff Esqre., I admitted and swore Lieut. Otho Hamilton, a gentleman of an untainted charracter, and no less quallified in other respects to serve H.M. in such a station than any in the Province, and therefore I hope your Lordships will excuse my choice of military men, seeing the state of the Province is at present such as to have none other, unless the seat of Government was removed to Canso ; since which Major Cosby has, without assigning any reason whatsoever to me, withdrawn himself, as by his letter No. 1 to Mr. Shirreff, appointed by H.M. to act as Secretary ; whereupon by the advice of such members as were present, I have suspended him according to its tenor, till H.M. pleasure be thereon known. This gentleman and his father-in-law, Mr. Winniel, endeavours, through a spirit of contradiction, to obstruct and oppose every transaction, tho never so necessary for H.M. service ; for he has not only refused to act and give his assistance as one of the Council, but even to officiate and to serve in his other stations under my command : as by his letter to Capt. John Jephson, now acting as Fort Major, for no other reason that I can possibly suggest, than that I won't permitt him to wrest out of my hands the authority H.M. hath been so graciously pleas'd to invest me with, which I shall at all times execute with as much levity and equity as possible, that I may thereby avoid H.M. displeasure, which I hope your Lordships will represent accordingly. But as this subject seems more immediately to be of a military than civil nature, I have therefore transmitted such things as thereunto relates, to the Secretary of War, to be laid before H.M., and shall only trouble you with a letter from the gentlemen of the Council, with their observations thereon No. 2. Since my afore recited letters of the 5th of Oct. and 16th of Novemr. last, I have been favour'd with one from your office,

1732. [259]

dated the 10th June, 1731, requiring an account of the manufactures set up, trade carried on, and of the laws made here, that may anywise affect the trade, navigation and manufactures of Great Britain, which coming to my hand but only this spring, and having laid it before the Council, they in answer thereunto made me the inclos'd report (No. 3) to which I shall only add that the defect of laws may be partly remedy'd, by the appointing of an Assembly of such members as the country can afford, according to my proposition to your Lordships the 5th of Oct. last : for without some statutes this Province can never be rightly settled. Especially seeing the French here upon every frivolous dispute, plead the laws of Paris : and from that pretended authority condemn all the orders of this Government, and follow the dictates of their preists and the Bishop of Quebeck (or those of Cape Briton) who orders, not only the building of churches here, but sends whom, and what number of preists he may think proper, and in all other affairs takes the same liberty : whereof I have judg'd proper to transmitt the inclos'd letters Nos. 4, 5, 6, from Preist Dr. Godalie, wherein he contradicts himself, and Nos. 7, 8, are mine to him : notwithstanding whereof, and my positive orders to the deputys, he conveyed the young man therein mentioned out of the Province, so that without some particular directions in relation to the insolent behaviour of those preists, the people will never be brought to obedience, being by them incited to daily acts of rebellion. I must also acquaint your Lordships that a small colony of French have settled themselves in St. Johns River, upon the north side of the Bay of Fundy, who despise and condemn all authority here, as by the declaration of one René Le Blanc inhabitant at Menis No. 9, whereupon I sent them the inclosed summons No. 10, to which, as yet, I have had no answer. As our neighbours the French are daily endeavouring to encroach upon H.M. territorys, I therefore desire your mediation in that respect, and that you will favour me with advice and instructions what to do with such as are their agents here, if I should at any time happen to fall upon them, and particularly this Bourg mentioned in said declaration, whom Governor Philipps has appointed the King's Procurator at Menis, where, in consideration of the preists and these inhabitants' most disrespectful behaviour (being increased to a considerable body) (Governor Philipps before his departure from hence having also stopt the Seigniors' rent for H.M. use) I have under the pretence of building a magazine for said rents, given directions to have prepar'd and to be in readiness upon my arrival there, as many limbers and other materials as will make a lodgement for one company, which, as I hope it will prove for the good of the service, so I hope it will meet with your approbation, and that upon your laying the same before H.M., you will also advise me accordingly. Altho I have already wrote to you upon the subject of the seigniors, I must beg leave to acquaint you of what I have been since inform'd by some of themselves, viz., that one James St. Estien de Latour was the first created by the French king, which after his decease was convey'd to his children, viz :

1732. [259]

James, Charles, Ann, Margaret and Mary, share and share alike. James dy'd before the reduction of the place, but left four children, of whom Mrs. Campbell and Mrs. Purlic are still here, and the other two, a son and a daughter, retir'd themselves into the Dominions of France, as did also Charles where he died and has issue here. Ann married Mr. D'Entremont, who are both alive, and with their children, in number three sons and a daughter, have always remain'd in the Province, as also hath Margaret, who married one Mr. Plainmarais, by whom she has only one daughter alive, but eight more died before the reduction of the place. Mary married one Mr. Bellisle, by whom she had seven children, of which four retir'd to the territorys of the French king, where all died, except one, who is married and settled at Lewis Bourg, the other two, viz. Alexr. and a sister, Mrs. Drew, are with their mother still here, and have several children, but as this Alexr. who married an Indian, and has always resorted and liv'd amongst them, and even incited them to committ hostilitys; and as he hath taken no manner of notice of this H.M. Government, I therefore presume to say, that neither the said Alexr. nor any of those who have abandon'd the Province as aforesaid, nor any of their heirs, have at this time any claim whatsoever; and if H.M. may be pleas'd to continue those others who are still here, in the enjoyment of their respective shares, (tho hitherto they have never paid any manner of acknowledgement) or grant them something else in consideration thereof, it appears that the greatest part of the whole already belongs to H.M., and I must observe to your Lordships, that they in their respective districts had power to put to death, and to save alive. To these Seigniors one Brisay who intitlles himself Kt. Marquis of Denoville etc. added one Matthew Martain, and gave him the district of Cobaquit, adjoyning to that of Menis, who is lately dead, and left no issue, but left it by will to severalls; during his lifetime he never would acknowledge this Government, but used H.M. with all manner of disrespect and contempt; wherefore I am also of opinion, that his will may be therefore justly sett aside, even suppose the Marquis of Denovill's grant may be judged valid, of which No. 11 is a copy; and the family of the D'Entremonts, who have, I must say, behaved themselves peaceably, having apply'd to me to be restor'd, and as No. 12 is a copy of their petition, I have for the reasons therein assign'd refus'd their request, untill favour'd with advice and directions from your Lordships, which are much desired by *etc.* *P.S.* Upon the request of John Adams Esq. I must recommend to your Lordships the inclosed petition addressed to H.M., and as he has faithfully served H.M. from the constitution of this Government as therein sett forth, and is now in a helpless state, I hope your Lordships will move H.M. to esteem him as a worthy object of His Royall bounty. *Signed, L. Armstrong. Endorsed, Reed, 6th Sept., Read 5th Oct., 1732. 3 large closely written pp. Enclosed,*

259. i. Petition of John Adams to the King. Appointed Capt. Lieut. of Sir Charles Hobby's Regiment raised in the Massachusetts Bay for the expedition against Canada

1732. [259. i]

petitioner took part in the expedition against Port Royal. *Service described.* He was chosen Captain by the men who enlisted to stay here in garrison, till it was relieved by Major Caulfield. Petitioner's Company being then disbanded, and he settled at Annapolis Royal with his family and carried on a considerable trade by sea and land. He built a great many dwelling houses in the lower town; supplied Governor Vetch with money and goods to the value of £1500 sterl., and Lt. Govr. Caulfield with £278 sterl., all which, with several other considerable sums due from inferior officers, to the unspeakable damage of petitioner and his friends, are unpaid. He several times supplied the garrison with provisions and clothing in their greatest straits; he has been employed by most of the Governors *etc.* to draw and translate papers, and decide controversies of great consequence, and faithfully served H.M. for 12 years as a Member of Council, for which by reason of the unsettled state of the Province, he received nothing. Being now advanced in years and for almost 7 years past grievously afflicted with a violent pain in his head, which has deprived him of sight *etc.* prays for a pension or to be placed on list of half-pay officers *etc.* *Signed, J. Adams. Endorsed as covering letter. Copy. 2½ pp.*

259. ii. Council of Nova Scotia to Lt. Governor Armstrong. Annapolis Royal. 29th May, 1732. Having considered the papers communicated by him, relating to Lt. Govr. Cosby, *state that* his own conduct "has been with such prudence, justice and moderation, as to give no cause of complaint," *etc.*, and towards Cosby "with all respectt and civility he could expect" *etc.* *Continue:* But as to his towards you, we know of no reason for these his extraordinary proceedings at this time; Because of his and Governor Philipps' silence to your letter in answer to theirs; from whence and the seeming harmony that has been between you till of late, we were in hopes that all disputes had been happily adjusted; and as they are not of a civil nature, we humbly conceive they more properly fall under the cognizance of the military officers. *Signed, Adams, Will. Skene, Wm. Shirreff, Otho Hamilton. Same endorsement. Copy. 1 p.*

259. iii. Lt. Governor Cosby to W. Shirreff, Secretary to the Council. Annapolis Royall. 7th May, 1732. Announces his resignation from the Council. *Signed, Alex. Cosby. Same endorsement. ¾ p.*

259. iv. Report of Committee of Council of Nova Scotia in answer to the enquiry as to what laws in this Province do or may affect the trade and navigation of Great Britain. 11th May, 1732. As to manufactories we have none, and as to the trade in this part of the Province, but very little, the same being carried on by only four

1732. [259. iv]

or five coasting vessels from Boston, which supply the French inhabitants with European and West India goods, who make two or three trips annually, and carry from hence some time grain, a few fish, but chiefly furs. As to Canso, the trade there is chiefly fish, taken for the most part by H.M. subjects from New England and other adjacent Provinces, and by them and other such ships from Britain, exported to market, and are there purchased by bills of exchange, and such merchandize as the ships import, for supplying the fishermen *etc.* But what we conceive may in time affect the trade and navigation of Great Britain, is, the great extent and commodious situation of this Province *etc.* *Described.* All which, if it can be preserved from the incroachments of our French neighbours, may in time very much enlarge the trade and navigation of Great Britain. We take leave to represent *etc.* that, ever since the French were drove out of Canso by Capt. Smart *etc.*, they have settled a great fishery at Cape Gaspy in H.M. Dominions, where they have been unmolested for these several years past, and if they are not speedily drove from thence, they may in time so fortify themselves, as to dispute a great part of H.M. territorys in the Bay of St. Lawrence, as they pretend to do in the River St. Johns upon the north of the Bay of Fundy, which, if permitted, will consequently affect the trade and navigation of Great Britain *etc.* *Signed and endorsed as preceding.* 2 $\frac{3}{4}$ pp.

259. v. Lt. Governor Armstrong to Père Delagoudalie at Minis. Annapolis Royal. 28th March, 1732. *Thanks for his letter* (v. *encl.* viii) but looks upon all his excuses as little to the purpose, particularly that in relation to the building of a Church at Cobscook. *Continues:* At which undertaking without liberty first obtain'd, I no less wonder at the inhabitants' attempts than at your undertaking or meddling in any such affair: as also at your sending for preists, without proper authority for so doing, it being contrary to several positive orders of this H.M. Government for one in your station either to act in civil affairs, or any preist to be admitted or entertain'd in it, without first demanded in a regular manner by the inhabitants, let alone the building of churches, which are not in the least to be attempted without mature consideration and approbation of the Government, and therefore instead of approving, I can't but as yet condemn that part of your conduct; and for that reason I expect you'll make no further delays, for such frivolous excuses, you may assure yourself can never be accepted, to free and acquitt you from the performance of your duty; and therefore as there is no necessity for your waiting the arrival of these missionarys, I hope you'll immediately repair to this place *etc.* *Signed, L. Armstrong. Copy.* 1 p.

1732.

259. vi. *Same to Same.* Annapolis Royal. 20th April, 1732. *Since preceding.* has seen a letter from him to Mr. Gaulen (*v. encl. ix*). *Continues :* As I have signify'd to you my displeasure for your activeness therein, I am no less dissatisfy'd and surpris'd at your presumption, not only in concealing from me any of H.M. subjects, who may at any time desert his service, but even in endeavouring to incite them so to do, by your entertaining of them, in order to draw them from their allegiance, and to make them your proselytes. Such audacious practices and attempts upon any of H.M. Protestant subjects, especially within any of his Dominions, I do assure you I will resent, and I desire therefore (if you have any regard, either for yourself, or even for any of your function, that may succeed you in those H.M. Dominions) you will deliver that young man mentioned in said letter to the Deputys, to whom I have sent an order to send him hither, and do require your compliance thereto, and as it is provided by the 14th Article of the treaty of Utrecht that the inhabitants shall enjoy the exercise of their religion, as far as the laws of Great Britain do allow the same, I have hereunto subjoin'd a copy of said Article for your and their perusal, that you may beware of inroaching upon the same. *Signed,* L. Armstrong. *Copy.* 1 p.
259. vii. Lt. Governor Armstrong's Summons to the Inhabitants of St. Johns River. Annapolis Royall, 28 March, 1732. Being sensible that it is not through ignorance so much as disrespect that you have continued so long in this his Britannick Majesty's province of Nova Scotia, without ever paying that dutifull obedience incumbent upon you and all subjects to their Sovereign Prince, and as your delays for so many years can be no otherways interpreted than the highest contempt, I leave yourselves to judge of your deserved punishment for such audacious presumption, in settling yourselves in the River St. Johns, or in any other place within his sacred Britannick Majesty's province or dominions, without liberty first obtained from those in authority under him for your so doing ; for which reason I do hereby, (by and with the advice of H.M. Council *etc.*) in the name of H.M. King George *etc.* summon you to come to this Fort of Annapolis by the very first opportunity to give an account of yourselves and to take the oath of allegiance to his most sacred Majesty, otherways to depart immediately out of this his Majesty's Province, as you will answer at your perills *etc.* *Signed,* L. Armstrong. *Copy.* 1 p.
259. viii. Père Delagoudalie to Lt. Governor Armstrong. Les Mines. 18th Sept. (N.S.), 1731. *Abstract.* *Assures him* of his esteem and his desire to see him in his Government, but cannot do so at present for several reasons. (i) He is alone, and must shortly visit Piziquid

1732. [259, viii]

for marriages and baptisms, and Cobequit for the same reasons and to induce the inhabitants to build a church there. (ii) He has put off doing this, because he has been informed that a Missionary is being sent to this place. He has written several letters representing the need of priests in this country, and above all at Annapolis Royal, and he must wait to receive those who are being now sent. He has written to Mr. Gaulin that he would not be able to go this year to Canada, as desired, but that, as he needs a rest, and the mission at Annapolis Royal is an easy one, he must remain there till the priests arrive. Whilst hoping soon to have the pleasure of paying his respects to the Governor in person, he does not think he will be able to do so soon, the roads being bad and the waterways at present dangerous. But when the Missionaries arrive, he will endeavour to accompany the one who is sent to that station, *etc.* Signed, C. Delagoudalie, Pre. *French. Copy. 2½ pp.*

259. ix. *Same* to M. Gouline. Les Mines. 8th April, 1732. Sends this by Pierre Grivois, who is going to Annapolis Royal *etc.* *Continues*:—We expect you daily. There is a youth whom I have concealed (*retiré*), who has found means to desert (*se retirer*) from the English, and has passed the winter at Pizequid *etc.* He wishes to withdraw from this country. So he might go with you to Canada or Louisburgh. I have been instructing him in our religion *etc.* If you were to go by Beaubassin where your chapel is, you will find many savages. If you find the Missionaries which are to be sent here, they might go to Cape Sable to give the sacraments to the people abandoned there, *etc.* Signed, Charles De La Goudalie. *French. Copy. 2 pp.*

259. x. *Same* to Lt. Governor Armstrong. Les Mines. 29th April, 1732. *Abstract. Regrets* that he cannot leave to do as desired by his letter (*encl. v.*), but a recent fall of snow has made the roads worse than ever. Being alone, in charge of several parishes, has been ill with fatigue; but was preparing to visit him, when Michel Boudrot told him, as from the Governor, not to do so. As to his complaint that he had caused priests to come into the country, it is true that he was informed that two were to be sent, especially a person of merit for Annapolis Royal, on learning of M. de Breslai's departure, and that he wrote to the Bishop to make him his *grand Vicaire*, and relieve him of that great embarrassment. As to the complaint that he is building churches, it is true that the Bishop of Quebec instructed him, without his having written to him, to visit Cobedie and decide where the Curé should dwell. This he did, and said Mass in the three chapels which have been built in that parish, but which he did cause to be built, after having deferred fulfilling that commission for about two years, because

1732. [259. x]

his intention had always been to await the sending of a Missionary for that place, in order to present him to the Governor, as the Bishop instructed him, and to obtain his consent to the establishment of this Mission, and at the same time power to retrain some evil spirits at the bottom of the Bay, who have always been opposed to the establishment of this parish, *etc.* *Continues* : I am told that you are much annoyed at my having given food and shelter to one Georges who intends to return home at his father's request *etc.* *Denies* that he is a deserter from Canso, and so far from attempting to convert him or anybody there, he does not even know what his religion is. *Intends* to withdraw from the country in August *etc.* *Signed*, C. Delagoudalie Pre. *French. Copy.* 6½ pp. Nos. ix. and x. *endorsed as covering letter.*

259. xi. Deposition of René Le Blanc, of Grand Pré, Les Mines. Annapolis Royal. 20th March (N.S.), 1732. *Abstract.* Has made four journeys to the head of the river St. John. The last time in 1731, he heard it said at old Bellfontaine that the sloops from Nova Scotia which went there, spoiled their trade but that they would soon find means from Canada to prevent that. One Préville, son-in-law of Alexander Bourg, abused him when he asked him for payment of a bill, and when threatened with justice from Annapolis Royal, said he would not fear 20 men in that river. Bourg said he had obtained a patent from M. de Vaudreuil in Canada in 1722, by which he was empowered to make grants on the river St. John, and that he had invited several inhabitants of Les Mines to go there. There are about 17 men, besides women, established there. *Signed*, R. Le Blanc. *Endorsed*, Recd. 6th Sept., Read 5th Oct., 1732. *French. Copy.* 2 pp.

259. xii. Petition of Charles D'Entremont, inhabitant of Pomoncoops River, in behalf of himself and the whole family of D'Entremonts, some of the co-heirs of the Seigneurs of Nova Scotia to Lt. Governor Armstrong. Petitioners, being ready to give sincere assurance of their fidelity to H.M., pray H.M. to order that the inhabitants pay them rents as formerly to their ancestors *etc.* They gave Governor Philipps a copy of their grant from the King of France. At the same time they offered to him their fidelity to H.M., who answered that he could not then admit them, (the time for taking the oaths of allegiance having lapsed) till he received orders from Britain, through which means they have been deprived of their rights and privileges, though always ready to submit to every order of this H.M. Government. *Signed*, Charles D'Entremont. *Endorsed as preceding.* *Copy.* 2 pp.

259. xiii. Grant by the Marquis de Denonville, Governor of Canada, to Sir Matthew Martin of lands named by him

1732. [259, xiii]

St. Matthew Ourcobeguay, comprising all the bottom of the Basin of Les Mines *etc.* 28th March, 1689. *French. Copy.* 2 pp. [C.O. 217, 6. ff. 117-121, 122, 123 *v.*, 124 *v.*, 128, 129-135 *v.*, 136 *v.*, 138 *v.*, 140 *v.*; and abstract, with notes for reply, 116, 116 *v.*; and 217, 30, ff. 28 *v.*, 30 *v.*]

June 10,
Boston.

260. Governor Belcher to the Council of Trade and Plantations. *Abstract.* Must trouble the Board with his remarks upon the complaint received from Mr. Popple, although it is but a weak, slender business. Wonders the Lt. Governor is not at the head of the subscribers, the affair having been hatched and spirited up by him. There will be no peace or quiet in New Hampshire, while that gentleman has anything to do there. As to the complaint that he suddenly prorogued the House, in order to prevent an Address, it was not sudden and he had no such thought, but had sent the order for the prorogation a fortnight before. It was occasioned by the Representatives refusing to appoint a Committee to meet the Committee of the Massachusetts Bay over the boundary question. The complaint that he refused his consent to their choice of Commissioners is therefore obviously false. Equally false is their statement that he refused assent to bills which would be beneficial and better enable the Province to pay the salary. The only bill that ever passed the two Houses to which he refused his assent was the bill for emitting £6000 in bills of credit and postponing the payment of the loan money. This he told the Assembly he could not pass without a suspensory clause, and communicated his 22nd and 23rd Instructions to them. But he told them he would recommend it to the Board, and still thinks it would be for H.M. service that he should have leave to pass such a bill, and much for the safety of the Province, their only fortification being fallen into great disrepair, and will never be rebuilt or enlarged by the people but by some such method. How idle, silly and absurd it is to say that if they were under a Governor separate from the Massachusetts, he would not deny his assent to such an act, which is in plain English that the present Governor observes his Instructions, and they desire one that would not. "As to some of the towns being at that time destitute of magistrates, I own it, and altho' they are so vile and malicious, methinks I am glad they have spoke one word of truth: But why, my Lords, did they not according to their duty apply to the King's Govr. to redress this grievance, if it was one?" *Explains* that, on application from the Lt. Govr., he replied that he would take proper care in the matter, which he soon did, and there is now a Justice in every town that used to have one, except Kingston, and when he can find a person agreeable to the King's Orders to him, he will place one there, altho' it is but 6 miles from a town that has a justice in it. The true reason of the complaint was that some of the subscribers want to be in the Commission of the Peace, but know he does not think them worthy or capable. Observes "one very special absurdity" in their saying that a Constable came 38 miles to be sworn, there being no Justice

1732. [260]

nearer than 23. The complainants call themselves Members of the Council and Assembly, though of the 15 petitioners, there was only one Member of Council and four Representatives. Five of them he had removed from office and seven were nearly related to them. Hopes the Board will regard the complaint as frivolous and the effect of malice and ill nature *etc.* *Set out.* Mass. H. Soc. Coll. 6th Ser. VI, 147. *Signed.* J. Belcher. *Endorsed.* Recd. 19th July. Read 3rd Oct., 1732. 8 pp. *Enclosed.*

260. i. Governor Belcher's Speech to the Council and Assembly, N.H. Portsmouth. 5th May, 1732. *Endorsed.* Recd. 19th July. *Copy.* 1½ pp.

260. ii. Message from the Council to the House of Representatives, N.H. 16th May, 1732. The Council think the estimate of £705 which the House sent to the Board as a sufficient supply for the Treasury is inadequate. Explain that, with £500 for repair of fort and £225 for support of the garrison, and £600 for Governor's salary, much more will be required. Urge the House to make a handsome and honourable supply by an immediate rate on polls and estates, or by an impression of £4000 secured by such a rate *etc.* *Endorsed as preceding.* *Copy.* 2¾ pp.

260. iii. Speech of Governor Belcher to the House of Representatives of N.H. May 18, 1732. Has consented to everything that has been passed by them and the Council, but has waited patiently in vain for them to make a supply to the Treasury, to which he and the Council can consent, for the good and welfare of the people. *Same endorsement.* *Copy.* 1½ pp. [C.O. 5, 875. ff. 3-6 v., 7 v., 8, 8 v. (abstract), 10 v.-13 v., 14 v.-15 v., 16 v.].

June 13.
Whitehall.

261. Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before the Queen. *Annexed.*

261. i. *Same* to the Queen, Guardian of the Kingdom and H.M. Lieutenant therein. *Representation upon Govr. Worsley's memorial described (v. 9th Feb.). Continue:* We have consulted Mr. Fane and have been attended by Mr. Worsley *etc.* We find the Attorney General in Barbados has power to sue in H.M. name for the recovery of the arrears due from the inhabitants under the above-mentioned Act (*for supporting the honour and dignity of the Government.* 1722), and Mr. Worsley has informed us that the reason why he declined to bring this matter to a trial whilst he resided in Barbados was, that if an appeal had been made upon this subject from the decision of the inferior Courts, it must have been heard before him, in which case he would have been both judge and party being interested in the success of the suit for himself as well as the publick. However as the money

1732. [261. i.]

which remains uncollected, appears to us to be justly due from the defaulters, by virtue of the abovementioned Act, we have no objection why your Majesty may not be graciously pleased to grant the prayer of this petition, and give the necessary directions that H.M. Attorney General at Barbados may proceed therein accordingly. [*C.O.* 29, 15. *pp.* 292-299.]

June 16.
Whitehall.

262. Council of Trade and Plantations to the Committee of the Privy Council. Enclose following (*v.* 6th June).

262. i. Draft of H.M. Additional Instruction to Governor Johnson. Empowering him to grant 48,000 acres of land in S. Carolina to Jean Pierre Purry, on the conditions proposed 23rd July, 1730, *q.v.*; and subject to the quit-rents reserved by his Instructions, after the expiration of 10 years from the date of this grant, and on this further condition, that if any of the lands so granted shall not be cultivated within said 10 years, such lands *etc.* shall then revert to the Crown. [*C.O.* 5, 401. *pp.* 41-44.]

June 16.
Whitehall.

263. Circular letter from Mr. Popple to the Governors of Plantations. H.M. having been pleased upon the Address of the House of Commons, 25th April, to direct my Lords Commissioners to prepare a further representation to be laid before the House in the next Session of Parliament on the state of H.M. Colonies and Plantations in America, with respect to any laws made, manufactures set up, and trade carried on there, which may affect the trade, navigation and manufactures of this Kingdom, *etc.*, they desire you will immediately upon receipt hereof, send them the best and most particular accounts you can of any laws made, manufactures set up, or trade carried on which may in any way affect the Trade and Navigation and manufactures of this Kingdom, and that you will take it for a constant rule to send my Lords Commissioners annual returns to these Queries. [*C.O.* 324, 11. *p.* 308.]

June 16.
Jamaica.

264. Governor Hunter to Mr. Popple. About a fortnight ago your cusing Will. Henderson dy'd. As his brother's will was believ'd the cause of his death, his conduct in life was believ'd to be the occasion of his brother's (*v.* 14th April). His wife being with child and one of his daughters remain in a bad condition as to ev'rything. I know not if she will think fitt to administer to her husband he having made no will. We expect Mr. Lestock ev'ry hour and the next Adml. Stuart sails for Engld. By him I shall send the acts, minutes and journals of last session *etc.* Our partys are in search of ye rebel slaves without much succeſse hitherto, they being in all appearance dispers'd and divided into small partys for sustenance, when the weather is better I hope I shall send a better account of them. *Signed,* Ro. Hunter.

1732. [264]

Endorsed, Reed. 28th Aug., Read 12th Sept., 1732. *Holograph*. 1½ pp. [C.O. 137. 20. ff. 82, 82 v., 87 v.]

June 17.
New York.

265. President Van Dam to the Council of Trade and Plantations. *Abstract*. The province continues in a peaceable state. Has given directions for the reception of Gov. Cosby in the usual manner *etc.* *Signed*, Rip Van Dam. *Endorsed*, Reed. 29th July, 1732, Read 23rd Feb., 1733. *Addressed*. *Seal*. 1 p. [C.O. 5, 1056. ff. 13, 14 v.]

June 17.
New York.

266. *Same* to the Duke of Newcastle. Duplicate of preceding *mutatis mutandis*. *Signed*, Rip Van Dam. *Endorsed*, R. 30th July. *Addressed*. *Seal*. *Holograph*. 1 p. [C.O. 5, 1093. ff. 225, 226 v.]

June 19.
Boston.

267. Governor Belcher to the Duke of Newcastle. In obedience to H.M. I duly communicated to the last Assembly of this Province, as well as to the present, H.M. Additional Instruction to me respecting the support of his Govr. here, and have prest their compllyance therewith, all in my power : and I now inclose your Grace the Journal of the present House of Representatives, so far as they are gone, and am sorry to acquaint your Grace, that all His Majesty has done, and all I have laid before them in consequence of His royal orders has been to no purpose, and I think myself oblig'd in my duty to the King to say, I have not the least prospect or expectation, that the King's Instruction for fixing a salary on His Govr. will ever be done here. But they have this session granted my support in the manner they did the last year, as your Grace will find by the inclos'd Act ; and I must now again humbly pray for your Grace's favour that I may have the royal leave transmitted me to give my assent to this Act for my support. And I would humbly beg the leave may be general for the future, provided they never grant less than £3000, for in this manner, it is not only giving your Grace a great deal of trouble, but putting me to expence, while I am at same time supporting the honour of the King's Government out of my own estate, and running the risq. of losing the money they grant (in case of my mortality) as they have done by Govr. Burnett's children. I can relye on your Grace's justice and honour in granting this reasonable request, and that I may not be oblig'd to starve in the strict practice of my duty to the King till H.M. in his royal wisdom, may take effectual measures for the more certain support of His Governour. I am with great deference and duty, My Lord Duke, Your Grace's most devoted and most faithfull humble servant, *Signed*, J. Belcher. *Endorsed*, R. 2nd Sept. 4 pp. *Enclosed*.

267. i. Act of the Massachusetts Bay for granting £3000 to Governor Belcher, "to enable him to go on in managing the publick affairs." June 13, 1732. *Copy*. 1 p. [C.O. 5, 898. ff. 449-451.]

1732.
June 19. **268.** Governor Belcher to the Council of Trade and Plantations. Duplicate of preceding, *mutatis mutandis*. Signed, J. Belcher. Endorsed, Recd. 16th. Read 23rd Aug., 1732. 2 $\frac{3}{4}$ pp. Enclosed.
268. i. Duplicate of encl. i. preceding. [C.O. 5. 874. ff. 123 124, 126 127, 128 v. (with abstract).]
- June 20. **269.** Council of Trade and Plantations to Governor Burrington. We have received yor. letters of the 1st of July, and 4th September, 1731, and shall receive H.M. pleasure on such parts of them, wherein his service, or the welfare of the Province are any way concern'd. But as to those paragraphs which relate to yor. self and those who have disagreed with yor. measures : we cannot but take notice that they are couched in a very extraordinary stile, particularly that, where speaking of Mr. Ashe's declining to come to England with the Chief Justice you write in the following words : " by which failure of his, Baby Smith will be quite lost, having nothing but a few lies to support his cause, unless he can obtain an instruction from a gentleman in Hanover Square " : of these words we expect an immediate and distinct explanation. [C.O. 5. 323. f. 51 v.]
- June 21. **270.** Mr. Popple to Governor Burrington. My Lords Commissioners for Trade and Plantations, having under their consideration yor. letter to them of ye 4th of Septembr. last, wherein you mention some apprehension you had that ye Indians of South Carolina might make an attempt against those of yor. Government ; I am commanded to acquaint you that their Lordships think it will be for H.M. service, and ye good of the Province under yor. command, that you should use the most effectual means to prevent any misunderstanding among the Indians. My Lords Commissioners for Trade have wrote by this occasion to Collo. Johnson and to Collo. Cosby, to use their endeavours to put an end to these misunderstandings. [C.O. 5. 323. f. 52 v.]
- June 21. **271.** Council of Trade and Plantations to the Duke of Newcastle. Enclose extract of letter from Governor Burrington, " by which he seems to apprehend the Indians of South Carolina, were preparing to fall upon those under his Government, who hope to be supported by a party of the five Nations." *Continue* :—As an Indian war may be of the most fatal consequence to both these Colonies, we have wrote both to Colo. Johnson and to Capt. Burrington to desire they will take the best precautions to prevent the same : we have likewise wrote to the Governor of New York to interpose his authority with the five Indian Nations *etc.* But as H.M. orders to these three Governors upon this subject, will be much more effectual, we desire your Grace will please to lay this matter before Her for Her Majesty's directions therein. *Autograph signatures.* 1 $\frac{3}{4}$ pp. Enclosed.

1732.

271. i. Extract from Governor Burrington's letter, 4th Sept., 1731. "We expect our Indians will be attackt by those of S. Carolina. The Five Nations are in alliance with ours. and have promised to assist them with 1000 men. part of which are already come into this Province." $\frac{1}{2}$ p. [*C.O.* 5, 306. *Nos.* 20. 20 i.]

June 21.
Whitehall.

- 272.** Council of Trade and Plantations to the Duke of Newcastle. Copy of the preceding letter, as included in the Entry Book of the Council of Trade and Plantations. *Without enclosure.* [*C.O.* 5, 323. f. 52.]

June 21.
Whitehall.

- 273.** Council of Trade and Plantations to Governor Johnson. *Enclose* extract of Capt. Burrington's letter, 4th Sept. last, "intimating some apprehensions he is under, that the Indians under yor. Government are expected to make some attempt against those of North Carolina: As this is a matter of great concern, whereon ye interest of both Provinces is so much depending; we are surprized you have given us no acct. thereof: and as we have waited thus long in expectacon of hearing from you on this head, we perswade ourselves yor. Indians may have laid aside any design of attacking those of North Carolina, and we doubt, but you will use all possible precaution to prevent so great an evil. We have wrote by this occasion to the Governors of No. Carolina and N. York, to use their endeavours to put an end to these misunderstandings. So we bid you heartily farewell and are, Yor. very loving friends and humble servants," *etc.* [*C.O.* 5, 401. p. 45.]

June 21.
Whitehall.

- 274.** Council of Trade and Plantations to Governor Cosby. *Enclose* extract of letter from Govr. Burrington, 4th Sept. last, by which you will find that he apprehends the Indians of South Carolina intend to attack those of his Government who hope to be supported by a party of the five Nations, and as an Indian war in any part of H.M. Dominions on the Continent of America, may be of fatal consequence to the British interest, we must desire you will make use of your influence with the 5 Nations in order to put an end to this misunderstanding. We have wrote by this occasion to Colo. Johnston and Capt. Burrington to use their endeavours to put an end to these misunderstandings. [*C.O.* 5, 1125. p. 294.]

June 21.
Whitehall.

- 275.** Mr. Popple to Mr. Attorney and Mr. Solicitor General. *Requests* report upon queries relating to Rhode Island (v. 13th April) as soon as possible. [*C.O.* 5, 1294. p. 54.]

June 22.

- 276.** Office Expenses of the Board of Trade, Lady day—Midsummer, 1732. *See* Journal of Council. *Endorsed.* Reed. Read 26th June, 1732. 6 pp. [*C.O.* 388. 80. ff. 51, 52 v.—55, 56–57 v.]

1732.

June 22.
Whitehall.

277. Mr. Delafaye to Mr. Popple. Begs that the Lords Commissioners will have regard to the Governor's recommendation of Mr. William Gordon, to fill the vacancy in the Council of Jamaica caused by the death of Mr. Henderson; "as Mr. Gordon is a gentleman of integrity, ability and interest in that place, and lives near the town" *etc.* *Signed*, Ch. Delafaye. 1 p. [*C.O.* 137. 47. f. 132.]

June 23.
Whitehall.

278. Council of Trade and Plantations to Sir Robert Walpole, Chancellor of the Exchequer, and to the rest of the Lords of H.M. Treasury. Upon Mr. Shelton's Memorial, *quoted*, recommend him for some employment, certifying that he "has frequently attended this Board, as well during the time that Carolina was under ye government of ye Lords Proprietors, as since, and that upon occasions he behaved himself with capacity and fidelity: and that he has been lately very instrumental in ye proposed sale of ye Bahama Islands to ye Crown: where he has discharg'd his duty to ye sd. Proprietors: and at the same time shew'd a proper regard for ye interest of the Publick" *etc.* [*C.O.* 5. 401. pp. 46-49.]

June 24.
Boston.

279. Governor Belcher to the Duke of Newcastle. *Abstract.* *Has received* copy of the Council of Trade's report upon Lt. Govr. Dunbar's complaint. *Complains* that the Lords of Trade made their representation without having first given him an opportunity of answering, and thanks his Grace for delaying a decision, until his answer comes to hand. In reply to the Board's report that he had given orders not to suffer Col. Dunbar to enter the fort in quality of Lieut. Govr., *quotes* the words of his order to show that they only meant that Col. Dunbar should not enter it as Commander in Chief, and take command of the garrison in open contempt of himself as Governor. Nor did he ever give any orders about the fort, until he was informed of Col. Dunbar's insolence by Col. Walton, whom he had made Capt. of the fort, and whose affidavit he encloses. He is not answerable if the Capt. of the fort exceeded his orders, but in such case Col. Dunbar should have complained to him, and he would have taken care, that he should have been treated with the respect due to H.M. Commission *etc.* The affidavit by Wentworth and Atkinson was not fairly taken, because, as it nearly concerns the Capt. of the fort, he should have been notified to be present, and so prevent its being dressed up and coloured over as it is *etc.*, especially since it was drawn by two of the Governor's declared enemies, the latter having been removed from several offices by him. The Indians they mention were merely some whose custom it is to assemble at that time of the year, in order to gather hurtle berries, which they dry for winter provision. This Col. Dunbar very well knew, and wrote to him at the time. But the whole design of his going to the fort then was to insult the Commission given to Col. Walton. Thinks that so far from having done wrong, he really ought to have confined the Lt. Govr. for his presuming to demand entrance into the fort, against the Governor's orders,

1732. [279]

which, having been given to his officer, were equivalent to his commands in person forbidding Col. Dunbar to enter. His being in the province of Massachusetts is not an absence from N. Hampshire, and has never been accounted so. This is made plain by his 36th Instruction and Col. Dunbar's commission. *Concludes* :—I am therefore greatly surpriz'd at the three articles, the Lords of Trade have propos'd to H.M. to be declar'd as his royal intention, which being done, wou'd throw that Government into anarchy and confusion, and wou'd totally divest me of the powers and authorities given me in H.M. royal commission as Capt. General and Commander in Chief of N. Hampshire. In the time of the late Govr. Shute, Leiut. Govr. Vaughan's Commission was superseded from his presumeing to interfere with the orders and directions his Govr. had given, *etc.* *Begs* that his commission may not be in a manner superseded, to gratify the pride and ill-nature of a Leiut. Govr. *Set out*, Mass. Hist. Soc. Coll. 6th Ser. VI. 152. *Signed*, J. Belcher. *Endorsed*, R. 2nd Sept. 6 $\frac{3}{4}$ pp. [C.O. 5, 898. ff. 452–455.]

June 24. **280.** Governor Lord Howe to the Duke of Newcastle. The many favours I have already reced. from yr. Grace shoud prevent my being any further troublesome, but as what I am now begging yr. Grace's interest in, for me, is equipage money, wch. is what has been almost always given to ye Governors of Barbadoes, I hope yr. Grace will not refuse to recommend me to H.M. favour and forgive me taking this liberty. As I am very sensible how little merit I have, I shou'd not have presum'd to ask for it, had I not been well inform'd yt. every Governor since Mr. Lowther has had it, excepting Mr. Worsley who had everything of yt. kind before, as Envoy at Lisbon, Ld. Irwin had £1500, Ld. Belhaven had £1500 at one time and above £3000 at another, and Mr. Chetwind had, as I have been well assur'd not only £1500 for equipage money, but his patent giv'n him wch. comes to near £350, and an additional sallary of £500 pr. ann. As I am well persuaded yt. ye honour yr. Grace and ye rest of my freinds did me in recommending me, was wth. a view yt. it might be of service to myself and my familly, should this favour not be granted and any accident happen to me, either in my voyage or when I come to Barbadoes, my freinds will not only be disapointed in their kind wishes for me, but it will be of very ill consequence to my familly, by my leaving a much greater debt than I otherwise should have done, ye fees for my commission amount to £350 and on ye best inquiry I can make I find it will cost me £2000 in furniture and other things yt. are absolutely necessary for me to take over. Therefore as some gentlemen have had a great deal more than £1500 given 'em for their expences in setting out, and yt. at a time when ye Island was better able and more willing to provide for ye Governor, than (as I hear) it now is, I hope yr. Grace won't think me unreasonable if I beg yr. assistance in obtaining this for me *etc.* I am wth. ye greatest respect, My Lord, Your Grace's most humble and most obedient servant, *Signed*, Howe. *Holograph*. 2 pp. [C.O. 28, 45. ff. 203, 203 v.]

1732.

June 25. **281.** Governor Johnson to the Duke of Newcastle. *Will*
 Charles Town. *obey* Instruction of 10th Dec. last about imposing duties on
 negroes imported, but observes "that there is a law subsisting"
 lays a duty upon negroes, and that £5000 a year this currency out
 of the amount of the said duty is appropriated agreeable to H.M.
 Instructions to me towards laying out townships and subsisting
 new comers for a year, in order to encourage the peopling the
 Province, and I humbly apprehend it will be for H.M. service
 that law should have H.M. approbation and subsist for the time
 limited therein, which is about 6 years to come, I having pursuant
 thereunto caused the townships to be set out, and given other
 encouragements to new comers. I have received H.M. sign
 manual requiring Letters Patents to be passed under the Great
 Seal of the Province to appoint Mr. Isaac Amyand Clerk of the
 Assembly, which shall be done. *Signed,* Robt. Johnson.
Endorsed, R. Augt. 29th. 2 pp. [*C.O.* 5. 388. ff. 46, 46 v.,
 46 (A) v.]

June 26.
 Whitehall.

282. Council of Trade and Plantations to the Lords Com-
 missioners of the Treasury. Request payment of petty expences
 of the Office amounting to £287 2s. 8d., Lady Day to Midsummer,
 1732, and of officers' salaries, £287 10s. [*C.O.* 389. 37. pp. 337,
 338.]

June 26.
 Charles Town.

283. Governor Johnson to the Council of Trade and Planta-
 tions. *Acknowledges* letter of 18th Nov., etc. *Continues*: I have
 received from His Grace of Newcastle, H.M. Order directing me
 to commissionate Mr. Isaac Amyand to be Clerk of the Assembly
 here, which shall be done, and I shall always insist upon H.M.
 Prerogative in naming all his officers. I shall transmit as I have
 already done copys of all laws passed; Mr. Fury writes me those
 of the last sessions are arrived safe. "The Assembly since my
 last have sat and amended some deficiency in the tax law for the
 current year, which is paid in already, and did some other
 necessary business, and are prorogued to Tuesday ye 12th of
 September next, by reason of the heat of the weather; when I
 believe they will sit to do business" etc. *Will obey* Instruction of
 10th Dec. concerning importation of negroes etc. *Continues*:—
 But I hope this application of the merchants wont go so far as to
 desire that the appropriation act sent to your Lordships be
 disannuld which appropriates £5000 a year this currency arising
 from that duty towards setting out of townships and furnishing
 provisions for one year to new settlers; six of which townships I
 have already caused to be mark'd out for that purpose, the
 draughts of which shall be sent your Lordps. as soon as ready.
 We are in great hopes to hear of H.M. approbation of the Quit
 rent law, and the aforesaid appropriation law. We think H.M.
 quit-rents are effectually secured in Proclamation money, and the
 people look upon it as the Magna Carta of Carolina, in regard to
 securing the property to their lands. I was not able the last
 setting to induce the Assembly to settle a fixt salary upon me,
 and H.M. Officers; that being dispenc'd with now in New England,

1732.

[283]

has I believe influenced this Province; they dont absolutely refuse it, but postpone it. The Council have had much trouble with Mr. St. John, Surveyor General of lands, he takes the whole fee of 4*l.* p. acre allowed him by law for surveying lands, before he will certify a plott, and leaves his Deputys to be paid by the persons the land is survey'd for; which rather than not have it, they pay him, contrary to the intention of the law, and the practice of former Surveyors, who allways allowd the Deputy half for surveying; so that now every person that purchases land of the King pays 6*l.*, some 8*l.* pr. acre for the survey, and the Assembly and people are very uneasy at his proceeding; and last sessions brought in a bill to regulate his fees; but in tenderness to him as the King's Officer, we dropt it in the Council, hoping he would have made the people easy, but he still continues doing it, notwithstanding the Council's order to him to the contrary, which occasions a great discontent, and I fear we shall have more trouble about it when the Assembly meets again. I was likewise desirous of obliging him, in giving him the ascertaining, where the townships are to be layd out, and in Council proposed paying him £500 Carolina currency a township, but he insisted upon being payd at the rate of 4*l.* pr. acre, besides charges, which in all would have amounted to above £27,000 currency, a summe the Province is in no capacity of bearing, so considering H.M. 43rd Instruction directing me to mark out the said townships, and consulting the Council and Assembly upon it, who were of opinion he had no pretention to any fees, till the lands in those townships were granted, as directed by H.M. Instructions, when he would have the surveying them, and would then be intitled to his fees for the same; and several of the Council who understand surveying, scituation and goodness of the lands, offering to make them out in person for £500 currency a township, after several refusals from Mr. St. John, and reasonings with him, Mr. Yonge, late Surveyor General, Mr. Chief Justice Wright, Mr. Skeene, Colo. Bull, and Mr. Waring, undertook them, and have done 6 of them already. Mr. St. John says he has remonstrated to the Treasury and to your Lordships that he has had hardship done him in not being the person employ'd; but I humbly hope your Lordships will not think so, and that we have delt with Mr. St. John with all the tenderness imaginable, and have acted in the best manner for H.M. service and that of the Province, he having reduced us to the necessity of either disobeying H.M. Instructions or complying with his unreasonable demands. The Attorney General Mr. Abercromby by whom this goes, can inform your Lordships of all proceedings in this affair having copys of all papers relating thereto. Mr. St. John extorts other fees also not warranted by law which he likewise has been admonished by the Council not to do, but to no purpose; he is gone to North Carolina, where as well as here he is Deputy Auditor, Inspector and Comptroller. *Transmits* Naval Officer's Quarterly accounts to 25th March, 1732. *Concludes*: We waite with impatience to hear of the approbation of the Quit rent, and Appropriation laws *etc.* *P.S.* The bill brought before me and the Council by the Assembly to regulate

1732. [283]

the Surveyor General's fees was dropt by us, he having hinted to us he would always be determined and guided by us in the execution of his office, which induced us to settle his fees by Order of Council, rather than by a law, which when done he would take no notice of. Your Lordships will please to observe further that the Gentlemen who have fixed the bounds and the limits of the several townships, have also included the six miles round each township for the consideration of £500 currency, which the Surveyor Genl. refused to do, demanding one penny pr. acre for each acre contained in the six miles circumference. *Signed*, Robt. Johnson. *Endorsed*, Reed, 31st Aug., Read 6th Dec., 1732. 4½ pp. [C.O. 5, 362. ff. 128-130, 133 v.]

June 27.
Whitehall.

284. Council of Trade and Plantations to the Committee of the Privy Council. *Transmit* further papers received from Mr. Brown received since their report of 5th May. List annexed. [C.O. 5, 294. pp. 55, 56.]

June 27.
London.

285. Memorial of the South Sea Company to the Council of Trade and Plantations. *Abstract.* *Pray* that the act of Jamaica imposing duties on negroes imported and exported may be repealed, and the Governor instructed to observe H.M. instruction of 10th Dec., 1731, and that the Company be repaid all sums paid by their Agents in Jamaica in virtue of said Act. Petitioners have reason to apprehend that the Assembly being apprised of H.M. said Instruction, precipitated the passing of that law, whereby the trading subjects of this Kingdom are defeated of the relief which by the said Instruction was intended them. The Company are by the Assiento Contract obliged to supply the Spanish West Indies annually with 4800 negroes, and in order thereunto purchase great numbers at Jamaica; from whence many and great advantages accrue to that Island, in regard all the ships that go to Guinea to furnish the occasions of the South Sea Company bring their negroes to Jamaica, and in consequence, not only great sums are layd out there, but the people find great employment, and the Navigation to and from that Island is much encreased etc. *Signed*, By Order of the Court of Directors, W. Smith, Secry. *Endorsed*, Reed. (with Mr. Wood's l^r. of 15th July). Read 18th July, 1732. 3 pp. [C.O. 137, 20. ff. 14-15 v.]

June 29.
Kensington.

286. Duke of Newcastle to Governor Hunter. *Encloses following*, which has been laid before the Queen. It is H.M. pleasure that you send me a state of the case to be laid before H.M., and that you take care that a stop be put to all proceedings upon the said recognizance untill you shall have receiv'd H.M. pleasure concerning it. *Signed*, Holles Newcastle. *Copy. Annexed*,

286. i. Case of William Rees. Rees is a merchant and goes as factor on board ships to Jamaica. There in June 1730, having a quarrel with one Sinclair, he struck him a blow on his head with his cane. He was bound over to appear at the next Supreme Court, in a recognizance of

1732. [286 i.]

£500 and two bail in £250 each. Fearing Sinclair was about to die, he did not appear, but went off, leaving effects with his bail to pay the penalty. Sinclair soon recovered and brought an action, and was awarded £400, which Rees has paid. Rees is now going to Jamaica and is afraid of being prosecuted for the £500, and as he hath paid sufficiently already for one blow, he prays for H.M. directions to the Governor that he may be discharged from the £500 which he hath forfeited by not appearing and that he may not be prosecuted for the same. Upon the resolution of the Council in Jamaica the prosecution against his bail was stopt, and he prays H.M. to remit those penalties. *Copies of above proceedings annexed.* [C.O. 324, 36. pp. 342-355.]

June 29. **287.** H.M. Warrant appointing Mathew Concanen Attorney
Kensington. General in Jamaica, in the room of Alexander Henderson decd., with a proviso obliging him to actual residence, and to execute the said office in his own person, *etc.* *Countersigned*, Holles Newcastle. [C.O. 324, 36. pp. 356, 357.]

June 29. **288.** Warrant, by Queen Caroline, Guardian of the Kingdom
Kensington. *etc.*, appointing Mathew Concanen Attorney General of Jamaica, in the room of Alexander Henderson decd., with a proviso obliging him to actual residence within H.M. said island and to execute the said office in his own person, except in case of sickness or other incapacity. *Countersigned*, Holles Newcastle. *Copy.* [C.O. 324, 50. p. 10.]

June 30. **289.** Mr. Popple to Mr. Attorney and Mr. Solicitor General.
Whitehall. My Lords Commissioners for Trade and Plantations having under their consideration, some papers relating to N. Carolina, upon which they are to make an immediate return : command me to send you the inclos'd case and queries thereon : and to desire your opinion upon ye same as soon as possible. There may possibly be some clause in ye Act of Parliament pass'd ye 2nd year of H.M. reign, *for establishing an agreement wth Seven of ye Lords Proprietors of Carolina, for ye surrender of their title and interest in that Province to H.M.* that may affect ye foregoing case, of which my Lords do not take upon them to judge. *The Case.* The Lords Proprietors of Carolina having always appointed Governrs. of that Province before they made a sale thereof to the Crown ; those Governrs. with the consent of the Council and Assembly there, passed laws, and have continued so to do ever since ye purchase made by ye Crown, not having notice of ye sd. purchase. 1st Q. Whether any laws pass'd after ye said purchase by ye Proprietors' Governor in their names before notice of the sale, are valid ? 2nd Q. Whether ye laws pass'd in ye Proprietors' names after notice of such purchase, and before ye King appointed a Governor of his own, be valid ? [C.O. 5, 323. f. 53.]

1732.

July 2.
Kensington.

290. H.M. Additional Instruction to Governor Johnson, for granting to the Sieur Jean Pierre Purry of Neufchâtel 48000 acres of land in South Carolina, after it shall appear by certificates from the Customs that he has imported 600 Swiss Protestants and upon condition that they, on their arrival take the usual oath to H.M. Such lands to be subject to the usual quit rents after ten years, and, if not cultivated by that time, to revert to the Crown *etc.* *Copy.* [C.O. 324, 36. pp. 358-360.]

July 3.
Barbados.

291. President Barwick to the Duke of Newcastle. In obedience to H.M. commands *etc.* I took the first opportunity of sending the King of France's Order to his Generall of Martinique concerning the evacuation of Sta. Lucia *etc.* *Encloses* copies of his letter to him and his reply. *Continues:* As it was an affair of a publick nature, which would probably occasion some expence before it could be effected, I judg'd it fitting to lay the same before the Assembly to the end that due provision might be made for it by the Legislature, as your Grace will perceive from the Minutes of Council of the sixth of June last. What they will do is uncertain, but I shall not fail to communicate to your Grace *etc.* *Signed,* Samll. Barwick. *Duplicate. Endorsed,* R. 20th Decr. 1 $\frac{1}{3}$ pp. [C.O. 28, 45. ff. 210, 210 v., 211 v.]

July 3.
Jamaica.

292. Governor Hunter to the Council of Trade and Plantations. *Encloses* and enumerates acts passed last session (*v.* 1st June encl. i.). *Continues:*—These acts want no remarks sufficiently explaining themselves. In pursuance of the purposes in the third [*for settling the East and North parts etc.*] the 130 negroes or great part of them are march'd to Port Antonio for cutting paths of communication as mentioned in the act, a Surveyor appointed, and utensils for that purpose provided. Jasper Ashworth Esq. was appointed by me Commissary there and confirm'd by this act. At this time our partys are out again in search and pursuit of the rebel slaves, one of them under the command of Allen consisting of 76 shott besides baggage negroes march'd from Plantain Garden River, to which place they went being oblig'd by great floods and rains and their provisions failing, and whither sufficient provisions and necessarys were sent to them from Kingston. The other consisting of 76 shott and 20 baggage under the command of one Williams from Port Antonio: whither also they had been oblig'd from the same causes to return well equipp'd and provided, so that if the advices sent by the several Commandrs. of their having discover'd great tracts leading towards a place call'd Catter Wood be to be rely'd on, and there partys march as it is intended near about the same time, I must hope for a good account of them, they being in all probability in distress and want of everything. The slaves in rebellion have lately fallen down on several plantations to leeward and done much mischief, as I had the honor to inform H.M. Ministers, and your Lordships will observe from a copie of a letter from the gentlemen of Clarendon the richest and largest parish on this side. I suspected that some of these dislodg'd in

1732.

[292]

the North East have found their way to the westward, but if we can dispossess them intirely of the first as I hope we shall the latter will be an easie matter, their haunts there being much more accessible and the adjacent country better peopl'd. I must not omitt informing your Lordships of the difficultys I am put under frequently, by the want of a quorum in Council, upon emergencys, many of them living remote cannot on a sudden attend, and others on account of bad health or business absenting on the stated days, the first Tuesday of each month. There are three of the number in England. Ayseough, Gregory, and Lawes, the last I hear is on his return. Stont resides in the remotest part of the island and seldom attends at all. When I send expresses to require their attendance the mention'd cause or pretence of cause disappoint me, and suspension would but increase the evil. The fort on Titchfield point was rais'd above ground above a foot about a fortnight ago and all materials upon the spott. Col. Nedham the gentleman who had undertaken that work, and had the most strength and conveniency to carry't on, wrote to me some time ago that our Ingincer Col. Lilly, had taken a new whim in his head to have it all built or fac'd with large squar'd or saw'd stones. I have had much trouble with that Ingineer, and could not prevail with him to go thither to forward that work, 'till I sent him a positive order to repair thither at his peril, and he has either thro' indolence, ignorance or something worse rather obstructed than forwarded it. He has now thought fitt to return to Kingston without leave, and altho' he has been ten days on this side I have not seen him. I have however sent orders to carry on that work with all possible vigour and dispatch according to the former projection and have appointed others to see it done in his absence, and the King's Master Mason to take care that it be substantial, the materials good and all duely performed. *Signed*, Ro. Hunter. *Endorsed*, Recd. 28th Aug., Read 12th Sept., 1732. 5½ pp. *Enclosed*,

292. i. Gentlemen of the Parish of Clarendon to Governor Hunter. Clarendon, 24th June, 1732. Several of the gentlemen of said parish have agreed to send out a voluntary party of some white men and negroes, in pursuit of the rebellious negroes that now infest our settlements, besides the other party which the law oblidges them to. They have chosen William Lamport to be the Captain *etc.* *Pray H.E.* to grant him a commission. *Signed*, John Moore, Saml. Smith, Tho. Rodon. *Endorsed as preceding. Copy.* ¾ p. [*C.O.* 137, 20. ff. 77-79 v., 80 v., 81, 89 v.]

July 4.
Jamaica.

293. Governor Hunter to the Duke of Newcastle. *Refers* to papers and letter sent to Council of Trade, 3rd July. *Continues* : When Capt. Lestock arrives (who is dayly expected) Mr. Stewart leaves this island, by him I hope I may be able to send your Grace more full as well as satisfactory accounts of affairs here, which to all appearance are in a better train then heretofore *etc.* *Signed*, Ro. Hunter. *Endorsed*, R. 28th Aug. 1½ pp. *Enclosed*,

1732. [293 i.]

293. i. Duplicate of encl. i preceding. (*No. i.*)293. ii. Copy of Hunter to Council of Trade. 3rd July. (*No. .*) [*C.O.* 137. 51. *ff.* 92, 92 *v.*, 93 *v.*, 94, 96-98 *v.*]July 9.
Fredericks
Fort.

294. Lt. Governor Dunbar to Mr. Popple. As you will naturally look at a printed paper from this part of the world before you read my letter, I begin with remarking upon it, and begging My Lords Commissioners to consider with what view or design this could have been printed. Several of ye like papers are now sent me by my friends at Boston, with cautions to be carefull how I venture into that neighbourhood. One of my letters has this paragraph in it. -I am apprehensive and not without some grounds of the old game of intercepting your letters, and hope to make a discovery, but desire you'll say nothing of it, least my scheme be frustrated *etc.* He promises to write to me again by Mr. Hawk, Leiut. of the *Scarborough* who he says intends me a visit with my Ld. Augustus FitzRoy, as the ship passes by this harbour with H.E. Mr. Belcher on board, to view the Province fortification or truck house at Georges to the eastward of this place. I mentioned in some letters of Jan. and Feb. last Gov. Belcher's intention to meet the Penobscot Indians *etc.* at Casco Bay *etc.*, and that it was with design to give them a mean and ill impression of me and the people in this settlement *etc.* I then little imagined he would presume to come on this side of Kennebeck river which in my humble opinion is expressly contrary to ye King's Order in Council of 12th Nov., 1730. He does not as I hear intend to come hither but passes by in sight, wch. must give the Indians and others, a notion that we are under his directions *etc.* I expect to see ye ship on tuesday next, because the Govr. is to be at Casco to meet ye Indians on ye 20th inst. with 9 of the Council and 15 of the House of Representatives, it is a poor insignificant place, being a small wooden building with a few spruce pickets surrounding it where the Massachusetts people sell rum molasses and goods to the Indians, above 30 of them in their way to Casco came hither yesterday, dined here and went on. I am sorry to say they do not seem as well pleased as usual, they told me they were goeing to receive presents from Governour Belcher, and they expected before this time to have had some here. I could say nothing to them but that I was disappointed as well as they, not haveing heard from England a great while *etc.* I heard in the spring that they were uneasy and complained of not haveing presents, and upon it I wrote to Governour Armstrong to reinforce this detachment to 30 men and I have his answer that he will do it as soon as he can. I often represented the necessity of haveing a number of soldiers to countenance this settlement, and it will be impossible to do it, and carry it on vigorously without, posting an officer and 20 men at ye frontier towns for a year or 2, until ye people be numerous and make a settlement *etc.* I hear there are fresh reports at Boston that Mr. Waldo will succeed and that we shall all be turned off this lands, but that the Masachusetts expect to be offered all Nova Scotia which was, as well as this, included in their Charter, but

1732. [294]

with a provisoe that they refund to the Crown all the expence in taking it from ye french and maintaining garrisons and building fortifications there ever since and keeping the like garrisons there and sufficient here to defend all the country from being taken *etc.* In my humble opinion such a proposal would be highly reasonable, if they must have ye lands, and it is more than that province and people are worth, but I look upon it as an idle story that they could have any hopes of ever getting these lands. Some of the Massachusetts people between Casco and Kennebeck have lately had a drunken quarrel with some Indians, it is reported that one Indian was found killed, and that another lost an eye, if true, it may have very ill consequences, and I assure you we have no hand or part in it, tho' we may bear a share of the effects of it. I am ashamed to make any mention of the narrow circumstances I am reduced to, and the unavoydable expences I am at in this place, if some suddain relief does not come I can't help quitting the place and retireing to New Hampshire until by my Lords Commissioners' means I am otherwise disposed of; pray my humble duty to their Lordships *etc.* *Signed,* David Dunbar. *Endorsed.* Recd. Read 31st Aug., 1732. *Holograph.* 5½ pp. *Enclosed.*

294. i. Copy of the Boston Weekly News-Letter, June 29, 1732, quoting report of the Council of Trade to the House of Commons, 15th Feb., recounting the information given by Col. and Jeremiah Dunbar as to trade and manufactures of N. England. *Printed.* 2 pp. [*C.O.* 5, 874. ff. 129–132 v., 133 v.]

July 10.
Boston.

295. Governor Belcher to the Duke of Newcastle. *Abstract.* *Refers to* letter of 19th June. *Continues*:—The Assembly sat here to the 7th inst., and the several tribes of Indians on the eastern frontiers of this province, having the last summer sent their delegates desiring an interview with me, at this time, in their country, the Assembly here askt me for a recess *etc.* *With advice* of the Council, adjourned them to November. *Refers to Journal.* *Continues*: Altho' there is not a shilling in the Treasury, nor has been for 14 months past; nor wou'd the Assembly supply a farthing, unless I wou'd comply with their manner of doing it, in open violation of the King's royal orders to me, which I shall strictly adhere to, nor have they any expectation to the contrary. But how this Government can subsist or publick faith and justice have their course is not possible for me to say. I have, may it please your Grace, dull apprehensions of what may be the issue of the extraordinary unreasonable and undutifull proceedings of the Assembly, in this matter, and am in daily expectation that all H.M. Garrisons of this province will be deserted having now upwards of eighteen months pay due, and there is now near £15,000 due from the Province to other people, whose families (many of them) suffer greatly for want of it; as money is the sinews of war, so is it of Government, and what may be the unhappy consequences to the King's honour and service, as well as to the peace and welfare of his subjects here, I am not

1732. [295]
able to guess. But have thought it my duty, thus to represent the state of affairs for H.M. further directions *etc.*, tho' I am absolutely of opinion, and so are the wisest and best men of this province, that H.M. Instruction respecting the supply of the Treasury exactly quadrates with the royal Charter. I am this day imbarcking in the *Scarboro' etc.*, and intend first to St. George's river, thence to Kennebec, and so to Casco Bay, where I have appointed the Indians to be 20th currt. *etc.* Will do everything in his power to establish them in their allegiance to H.M. *etc.* Begs for reply to his many letters, and does not doubt of his justice and favour, "that I may not starve in the strict execution of my duty to the King, or be oblig'd to consume my own estate, which I daily do, nor can the character of the King's Governour be supported tolerably with the £3000 a year they give me, it not being, at this time, more than str. £850. So I depend your Grace will be so good as to put forward the obtaining leave for my signing the bill they have past for my support." (*v. following*). Signed, J. Belcher. Endorsed, R. 2nd Sept. [*C.O.* 5, 898. ff. 456-457 *v.*]
- July 10. **296.** *Same* to the Council of Trade and Plantations. Duplicate of preceding, *mutatis mutandis*. Set out, Mass. Hist. Soc. Coll. 6th Ser. VI. 158. Signed, J. Belcher. 4 pp. [*C.O.* 5, 875. ff. 17-19 *v.*, 20 *v.* (with abstract).]
- July 10. **297.** Mr. Yonge to Mr. Delafaye. I give you this trouble by directions from the Duke of Newcastle in behalf of Mr. Concannen, who is appointed to succeed Mr. Henderson as Attorn. General of Jamaica; but as he has no appointment for Judge Advocate, which Mr. Henderson likewise had, and which is usually annex'd to the other, the Duke desires you would inform him how that has been, his Grace intending that likewise for Mr. Concannen *etc.* Signed, Will Yonge. 1 p. [*C.O.* 137, 53. f. 358.]
- July 11. **298.** Duke of Newcastle to Governor Johnson. Encloses Whitehall. H.M. warrant under the sign manual for the pardon (upon his recommendation) of Alexander McCornick, convicted at Charles Town for the murder of Mathew Johnson, *etc.* Signed. Holles Newcastle. Copy. [*C.O.* 324, 36. pp. 357, 358.]
- July 13. **299.** Mr. Popple to the Secretary of the South Sea Co. Whitehall. Encloses address and representation from the Council and Assembly of Jamaica upon the Instruction against acts laying duties upon negroes, and requests the attendance of the Sub-Governor and Directors at the Board on Wednesday morning, when the Address will be further considered *etc.* [*C.O.* 138, 17. p. 359.]
- July 13. **300.** *Same* to William Wood. Similar request for attendance Whitehall. of merchants trading to Jamaica. [*C.O.* 138, 17. p. 359.]
- July 13. **301.** Jeremiah Dunbar to Mr. Popple. In a letter from his Whitehall. brother, he desires him to represent to the Board that "when any

1732. [301]

of the vessels trading between Boston and Fredericksfort are outward bound from Boston to Fredericksfort, and are examined whither they are going, the[y] often say to Casco ; but if the[y] acknowledge themselves to be bound to the eastward of Kennebeck river, then they are very strictly observed, and obliged to pay all fees of clearing *etc.* as if they were bound, on outward foreign voyages, and to enter as such when they return *etc.*, which my brother looks upon to be a convincing proof that the people of the Massachusetts Bay do not look upon the countryes to the eastward of Kennebeck to be within their Government. You will be pleased to communicate this to my Lords Commissrs. for Trade *etc.* Signed, Jer. Dunbar. Endorsed, Recd. 13th, Read 18th July, 1732. *Holograph.* 2 pp. [C.O. 5, 874. ff. 115, 115 v., 116 r.]

[July 13.] **302.** William Smith to the Council of Trade and Plantations. By the Constitution and the Instructions of the late Lords Proprietors, 1725, the acts of N. Carolina continue in force for one year only, unless confirmed by them. Only six acts have been so confirmed since the establishment of the said Constitutions. *Asks for* Instructions how he is to act in relation to the laws that have not been confirmed. *etc.* Set out, N.C. Col. Rec. III. p. 347. Endorsed, Recd. Read 13th July, 1732. 1½ large pp. [C.O. 5, 294. ff. 26, 27, 27 v.]

July 13. **303.** Council of Trade and Plantations to the Duke of Whitehall. Newcastle. *Acknowledge* letter of 7th June. *Continue* : We shall do our endeavour to make a full return to both these Addresses [*from the House of Commons*] *etc.* As to that part of the Address relating to directions that have been given by any of their Majesty's [*Queen Anne, George I and II*] for the repair of the forts and fortifications of Barbados and the Leeward Islands, we *enclose* a copy of all the Instructions in our Office relating thereto ; But we believe they are very far from being the only orders that have been sent upon this subject, and that several have been sent to the Board of Ordnance which have not passed thro' this Office. *Autograph signatures.* 1½ pp. *Enclosed,*

303. i. The Queen to the Governors of Barbados and the Leeward Islands (v. C.S.P. 1702. No. 514). *Copy.* 1 p.

303. ii. Extract from H.M. Instructions to Sir B. Granville, Governor of Barbados. v. C.S.P., 1702. No. 863 i. *Mem.* An article to the same purpose was given to Col. Codrington, Governor of the Leeward Islands, which article has been continued to all succeeding Governors of Barbados and the Leeward Islands to this present year, 1732. 1½ pp. [C.O. 28, 40. Nos. 15, 15 iv., ii., and (without enclosures) 29, 15. pp. 300, 301.]

July 15. **304.** H.M. Commission appointing Richard Fitzwilliam Capt. of the Independent Company of Foot in the Island of Providence,

1732. [304]
whereof Woodes Rogers Esq., deceased, was late Captain *etc.*
Countersigned, Holles Newcastle. *Copy.* [C.O. 324, 36. p. 419.]

July 15. **305.** Mr. Wood to Mr. Popple. Encloses following which indisposition has prevented him from laying before the Board. Hopes they will be considered at the same time as the address now under consideration and that he will then be able to attend. *Signed*, Wm. Wood. *Endorsed*, Recd. 17th. Read 18th July, 1732. $\frac{1}{2}$ p. *Enclosed*.

305. i. Petition of merchants of London trading to Jamaica to the Council of Trade and Plantations. *Abstract. Represent that an act for raising several sums of money etc.* has lately been passed in Jamaica whereby a duty is laid of 10s. on every negro imported, and 20s. on every negro exported, contrary to the Governor's general Instructions not to assent to any law that may affect the Trade and Navigation of Great Britain, and his particular instruction of 10th Dec., 1731 forbidding his assent to duties upon slaves imported into Jamaica, payable by the importer, or upon slaves exported *etc.* As the said Act must be a particular hardship upon the merchants, and a general discouragement to the trade of Great Britain, *pray the Board* to advise its immediate disapprobation and that the Governor be instructed to observe H.M. instruction of 10th Dec. *etc.* *Signed*, Rowd. Frye, Saml. Wragg, and 16 others. *Endorsed as preceding.* 2 pp. [C.O. 137, 20. ff. 6, 7, 7 v., 8 v., 9 v.]

[July 15.] **306.** Petition of Merchants of Liverpool to the Council of Trade and Plantations. Pray for repeal of Act of Jamaica laying duty on negroes exported and imported *etc. as preceding and June, etc.* 39 Signatures. Without date *Endorsed*, Recd. (with Mr. Wood's l^r. of 15th July) 17th, Read 18th July, 1732. 1 large p. [C.O. 137, 20. ff. 16, 16 v.]

July 17. **307.** W. Shirley to the Duke of Newcastle. The post-master of Boston's place (wch. is in the disposal of the Crown) being likely to become vacant, before this can reach England, by the death of Mr. Marshal the present possessor of it, who is in a very languishing condition, I presume to trouble yr. Grace wth. requesting the favour of succeeding Mr. Marshal in case he shd. not recover *etc.* The place is computed to be worth near £100 sterling per annum, requires a constant residence all the year round at Boston, but is consistent with the practice of my profession; on wch. last acct. it would be more valuable to me yn. a post of double its income, inconsistent wth. the practice of the law *etc.* *Is encouraged* to hope from the favour his Grace showed him when he left England. *Continues*: The agreemt. of this climate wth. my constitution; prospect of success in my business and the general good will of the people, wch. I am at present so happy as to enjoy, much recommend the country to me, notwithstanding it's bad money, and worse politicks *etc.* *Will endeavour*

Boston.
N. England.

1732. [307]

to discharge his duty to his Grace and the Crown *etc.* The majority of the House of Representatives showed him a mark of their favour by proposing him for Attorney General. "But I was drop'd, thro' the opposition of our famous Dr. Cook, or Elisha Cooke, for speaking too much in support of the Crown's reservation, in the Charter, of the Admiral jurisdiction, in an argument at the Barr only, in defence of the Judge of Admiralty my client : But I have the pleasure of convincing some gentlemen of the Council of the truth of it. The ill success of Sugar Colonies bill in the House of Lords, is exceeding good news to the Province " *etc.* *Concludes* : I am inform'd by the Clerk of the House of Representatives, yt. he believes they will meet in temper to shew their duty to the King by supplying the Treasury according to H.M. Instruction, and in conformity to their Charter *etc.* *Signed*, W. Shirley. *Holograph.* 2 $\frac{3}{4}$ pp. [C.O. 5, 898. ff. 458-459.]

July 18.
Wmsburgh.

308. Lt. Governor Gooch to the Council of Trade and Plantations. *Encloses* Journals of Assembly which ended its session of 1st inst., and gives an account of the acts passed. As to the Act *to enable masters of ships etc.* refers to 27th May. (i) An Act *for laying a duty on liquors* : by which a duty of 3*d.* per gall. over and above the penny appropriated for the support of the College is laid on all wine and spirits *etc.* imported, from any place, Great Britain excepted, for 4 years *etc.* *Continues* : Because the Act made the former session was disapproved by H.M. on accot. of the exemption from payment of half the duty granted to the Virginia owners, this present act is framed without any such exemption, all persons importing liquors without distinction being on an equal foot, so that the British merchants will have no room to complain of partiality. (ii) *For laying a duty upon slaves to be paid by the buyers.* As this duty is also lately necessary for defraying the public charge, and as it is laid, is now no burden or inconveniency to the merchants importers, and but a very moderate one on the purchaser, being no more than 5 p. cent. ad valorem, a far less duty than ever was laid before, and this to be paid only on such slaves as are alive forty days after their importation ; I am in hopes the act now is liable to no just exceptions, seeing conformable to H.M. Instruction, the importer is not charged with any duty, and those who are to be the purchasers have by their Representatives consented to it. But lest some officious persons should take occasion to cavill at that part of this law which disallows any drawback of the duty on slaves exported to No. Carolina, I must beg leave to inform your Lordships, that besides the vicinity of that country, which affords opportunity for frauds, since a negro may be carried into Carolina one day, and then drawn back, and all his life afterwards may work in Virginia ; there is this consideration which prevailed with the Assembly to insert this clause in the bill, and it is, that such a drawback would have been of no service to the people of Carolina, who don't purchase here slaves for themselves, but are supplied by two or three merchants living near the dividing line who alone would reap the benefit of it, without abateing one farthing of the price

1732.

[308]

to the Carolina purchaser. (iii) An act *for making more effectual provision against insurrections and incursions*, contains nothing more than the original act of 1727. (iv) *To prevent frivolous and vexatious suits etc.* is so agreeable to the laws of England, and to H.M. Instructions for obtaining a law for the more easy recovery of small debts, and withal so beneficial to the people, that no more need be said to recommend it. (v) *To make perpetual an act of 1727, for preventing delays in Courts of Justice etc.*, which has been found so useful for the dispatch of business that it is now made perpetual; and since that law mett with no objection at your Lordships' Board, I cannot apprehend this will have a worse fate, whatever is contained in it besides, being no more than what is warranted by the laws and practice of our Mother Country. (vi) *To make the stealing of slaves felony without benefit of clergy* wants no explanation. It is an act very necessary for securing men's propertys in their negros, and inflicts an adequate punishment for the stealing thereof, which 'tis hoped will prevent that vile practice for the future. (vii) *For settling some doubts etc. in relation to the benefit of clergy etc.* This act declares that where any offence was by Act of Parliament made before the 4th year of K. James I. excluded Clergy, persons convicted here of the like offence shal in like manner be excluded; allows women the same benefit as men, and takes away the ceremony of reading, in the same manner as the Acts of Parliament *etc.* By this act also negros, mulatto and Indians whether Christian or not are allowed the benefit of clergy, except for manslaughter, breaking houses *etc.* By this act too a dispute which hath been long canvast is determined, i.e. the rejecting of all testimony of negros, mulatto or Indians in any Court of Judicature, notwithstanding their being Christians, the reason whereof is given in the bill, and is certainly a very good one, if true; but whether it is or not, it is highly reasonable that point should be settled in one uniform method to prevent contradictory determinations in the several Courts. (viii) An act *prescribing the method for proving book debts*. By this act a retailer's book sworn to by himself is evidence for any article therein for 18 moneths before suit brought, but not for articles of a longer standing: the whole scope of the bill being to allow a speedy manner of proof for such recent debts as well to the shopkeepers as their executors and administrators, and is very well calculated for the circumstances of this country: and seeing there is herein an exception on the acct. of merchants living out of this Colony, I am humbly of opinion it is a law worthy H.M. approbation. (ix) An act *to explain and amend the act for amending the staple of tobacco and for preventing frauds in H.M. Customs* contains many useful and necessary alterations and additions to the former law in 1730 *etc. described*, sufficient to render it agreeable to the people and easy to the Trade: and I cannot see what either will have cause to complain of, unless the trouble to one to make their tobacco good and fit for market, and the stricter care that will be expected of the other to prevent the breaking and pillaging the freighters' hogsheads, when the same may so easily be detected at the Customhouse by the weights

1732.

[308]

being stamp'd, on each hogshead, in which case the freighter will be apt to seek redress, if he finds himself unreasonably injured. *Replies to a possible objection by masters and owners of ships etc., and concludes* that, for the future there is no doubt but the people having already found their account in the advanced price under the present regulation will fall readily into the measures established by it, that the ships will meet with a much quicker dispatch than they have hitherto done, if it is not owing to the merchants sending them away late in the year, whereby the season for the planter to purchase winter cloathing is elapsed before their arrival, and is the true cause why the planters are then less desirous of selling their crops, hoping for an advance price, and this gives the masters an handle to complain of delays in their lading. That the ships several of them will go home this year short of their lading, can't be denied : but *etc.* 'tis not so much owing to the law, as to the number of ships now in the country, more than there has been any year in my time : if this be deemed a misfortune to our Trade, and I suppose it will occasion some clamour, I must inform your Lordships that had it not been for this law, the country had this year been ruined, the very best tobacco would not have sold for above 5s., p. ct. and what had been sent home would not have paid the freight. As it is the Colony will get some thousands of pounds more than if the whole crop had gone to market ; for a proof of this, the King's quit-rent tobacco upon the sale of it amounted to six or seven hundred pounds more than ever it was sold for. And all that is meant by this, is only to put our staple in such a condition that the planters may get something for it, and thereby be enabled to purchase such things as they want in G. Britain. (xi) *An act to continue parts of an act for establishing the fees of certain officers etc.* This act is very little different from that passed in 1727 *etc.* ; only in this bill there is added a clause for ascertaining the allowances to witnesses in controversies depending before the Council Board ; for as the determination of disputes concerning the priority of entries for the King's lands, and the pretensions of different parties to one and the same tract of land before either have acquired a legal title is the proper business of the Governour and Council, it seemed absolutely necessary that that Board should be vested with a power to call witnesses before them for clearing the truth, and as reasonable that those witnesses should be paid for their attendance and trouble ; this will very much facilitate the speedy determination of these kind of controversies, of which several have heretofore remained a long time in suspense, through the obstinacy of the persons who ought to have been examined in the cause, and it will also prove of considerable service to H.M. revenue, inasmuch, by these means His lands will be sooner granted, and His quit rents paid. (xii) *For lessening the reward for killing young wolves, and for preventing frauds in obtaining certificates for wolves' heads ;* (xiii) *for adding part of the countys of Surry and Isle of Wight unto the county of Brunswick ;* (xiv) *for settling new ferries over James, Appamatox, Nottoway, Rappahanock and Potomach rivers ;* (xv) *altering the days for holding the Courts for Richmond and*

1732.

[308]

Westmorland countys ; (xvi) *for raising a public levy*. There is nothing extraordinary in these bills *etc.* (xvii) *For dividing every of the countys of Richmond, King George, and Prince William into two distinct parishes*, is only remarkable as it shews the increase of the Colony and the care taken to accomodate the inhabitants in the best manner for their public worship. (xviii) *To enable and oblige the parish of St. George in Spotsylvania to refund to the parish of St. Mark in the same county the tobacco therein mentioned*. To adjust the tobacco contributed by the latter before it was divided from the parish of St. George *etc.* (xix) *For altering the place for holding Courts of Spotsylvania county*, is made upon the representation of the inhabitants, and is in truth the forerunner of the division of that county, which is already extended to a very great length. (xx) *For pulling down wooden chimneys in the towns of Norfolk and Southampton* ; (xxi) *to restrain the inhabitants of the town of Delaware from keeping too great a number of horses and cattle*. These two acts are founded on that common maxim of Justice, that men ought so to use their own, as not to injure their neighbour. The keeping fires in wooden chimneys in towns is no less dangerous to the adjacent buildings, than the keeping large stocks of cattle and horses, by persons who have only small lots of ground, are to the neighbouring pastures and inclosures. And as these two acts are of public benefit, tho' they relate only to particular persons, I doubt not your Lordships will be of opinion to give them a place among the public acts, without expecting H.M. approbation, which, in the present circumstances the partys concerned would not agree to be at the expence of *etc.* (xxii) *To oblige the county of Carolina to reimburse William Woodford the damages he sustained by means of the escape of Benjamin Fletcher* ; (xxiii) *to enable Robert Curter Esq., one of the executors of Mann Page Esq. to pay the debts of said Page etc.* The one being to relieve a sheriff who hath suffered very much through the wilfulness of his County Court in not providing a prison for debtors ; and the other being to encourage an act of charity to the orphans of his deceased son in law in order to preserve their estates from being pulled to pieces by their father's creditors, neither of which I humbly presume are within the intent of H.M. Instructions, since it will appear by the purport of them that they are only calculated for a temporary end, and are to have their completion almost as soon as they passed here, and no private man's property is injured thereby. It would be an unnecessary expence of your Lordships' time to trouble you with any remarks on the twelve private bills which come herewith, since *etc.*, the persons concerned in soliciting H.M. approbation, will soon wait on your Lordships *etc.* They are of the same kind with other bills passed here in former sessions for cutting off entails and settling estates *etc.*, and are prepared exactly conformable to H.M. Instructions, and no application made to me to deny my assent to any of them *etc.* *Continues* :—The House of Burgesses being informed by some of the Members of the Northern Neck that the petition they prepared last session in relation to Ld. Fairfax's grant of that territory had not been presented to H.M., but by some accident was lost,

1732.

[308]

addressed me to fix the seal of the Colony to a transcript of that petition, and have renewed their vote for paying for its solicitation. As I wrote at large on that subject the conclusion of the last session, I shall forbear troubling your Lordships with repetition *etc.* Refers to enclosed Proclamations offering rewards for discovering of the persons who burned a church and warehouse *etc.* There is no doubt the [*parish*] church [*of St. George*] was wilfully and maliciously burnt, and there is great reason to suspect a sett of people who had projected to have another instead thereof in their neighbourhood *etc.* I hope the reward will have the desired effect *etc.* As to the (*public*) warehouse [*in King George County*], there is some ground to believe it burnt by accident, nothing but its being in the Northern Neck could make me think otherwise. 'tis there only we have suffered in this way, and 'tis possible this might be the last desperate effort of a lawless and discontented mob, who had flattered themselves or been buoyed up by others to think that this Assembly would no sooner meet than the tobacco law would be repealed : but finding themselves disappointed by the general bent of the country for continuing so useful a law, it is not improbable that some of that profligate crew, with which that part of this Colony is but too well stocked, might sett that house on fire in spite of their Representatives, *etc.* But the most remarkable step taken in this session is the application made to the King and Parliament for changing the customs on tobacco into the nature of an Excise, and their appointment of Mr. John Randolph their agent for negotiating that affair. Your Lordships will receive from him a copy of the address to H.M., and of the petition to the House of Commons, which contains a full enumeration of all their grievances arising as well from the loss of weights in their tobacco, the frauds in the Customs the consequence thereof, as the particular hardships which they conceive they suffer from the merchants. I don't pretend to interpose my opinion on the several facts suggested in the petition, otherwise than as it appears very plain to me that both the King and the planter run very great risques by the breaking of the merchants under the present management of that trade, and that both would be better secured by the method the Assembly propose. And this I hope will be a sufficient justification for me to recommend both the petition and the gentleman who negotiates it to your Lordships' particular favour. I am the more encouraged to hope your Lordships will be pleased to hear him with acceptance, since I am well assured he will make no progress in this business, without your Lordships' participation, and the general approbation of H.M. Ministers *etc.* For sometime past I have had it in my thoughts to procure a general survey of Virginia, as far as 'tis inhabited, taking in the mountains, and the river Shenando on the west side of them : a work long recommended by H.M. Instructions, and would prove not only of use towards the discovery of concealed lands, and be of service in the dispute about the bounds of the Northern Neck, but of great benefit to the shipping, by laying down the soundings of the several rivers and bay, the bearings of the headlands, and many

1732.

[308]

other things fit for a geographical and hydrographical chart. And that it might be done in the cheapest as well as best manner. I proposed that the Surveyors of the several countys should give in an exact plan of each county, and accordingly with the advice of the Council last October, appointed Colo. John Robinson, under the character of Surveyor General to consult the other Surveyors (withal acquainted them that though they should be paid for their trouble, yet I expected something from them *ex officio*) to prepare a scheme for the doing of it, with a computation of the charge. But finding by his report that the expence of an accurate survey of the whole Colony will amoun[n]t to at least £5000, I have put a stop to the design, until I know your Lordships' sentiments, and the opinion of the Lords Commissioners of the Treasury, continuing in the mean time the sallery of £150 p. annum appointed Mr. Robinson, because it is intended that he shall do something for it, which is, if the charge of an exact map be thought too great, and 'tis pity my Lords it should, we may at least gett such an one as will give H.M. a true idea of the extent of this Dominion, and be of great use and service to everybody concerned in the affairs of this country. As criminal prosecutions are become of late more frequent, by the importation of transported, the present Attorney General Mr. Clayton applied to me for an increase of his sallery, and the Council have desired me to recommend it to the Lords of the Treasury that a warrant may be obtained from H.M. for allowing £100 out of the quit rents, in the place of £60 he now has, which with £40 out of the 2s. p. hogshead, an ancient establishment, will recompence him for his extraordinary trouble, occasioned chiefly by transported convicts, whose morals are not changed, by change of air *etc.* *Encloses* Naval Officer's returns *etc.* *Signed*, William Gooch. *Endorsed*, Recd. 17 Oct., 1732. Read 10th Jan., 1733. *Holograph*. 10 pp. *Enclosed*.

308. i. Proclamations by Lt. Gov. Gooch. (i) Williamsburgh. June 10, 1731, proroguing the General Assembly till 18th Nov.; (ii) 21st Oct., 1731, proroguing Assembly till 18th May; (iii) 15th Dec., 1731, publishing the repeal of the Act *for continuing a duty on liquors etc.*; (iv) 17th March, 1732, for the more speedy detecting and punishing the felonious burning of tobacco warehouses *etc.* Offers £100 reward for information; (v) 2nd May, 1732, publishing repeal of Act *against importing tobacco from Carolina etc.*; (vi) 3rd June, 1732, offering reward of £100 for discovering the persons who burnt the parish Church of St. Mark; (vii) 9th June, 1732, Offering £100 reward for the discovering the persons who burnt the warehouse at Falmouth *etc.* *Each signed*, William Gooch. *Endorsed*, Recd. 17th Oct., 1732. 4½ *large pp.* [C.O. 5, 1323. ff. 43-48 v., 49 v., 50, 51, 52, 53, 54, 54 v. (*with abstract*).]

July 20.
Wmsburgh.

309. Lt. Governor Gooch to the Duke of Newcastle. My Lord Duke, a session of Assembly lately held here affords me the honour of conveying to your Grace the Journals and Laws, and

1732. [309]

with them the Minutes of Council and other public papers required by H.M. Instructions. Tho' I am unwilling to take up your Grace's time with a detail of the several matters contained in these papers, yet I beg leave to inform your Grace of one transaction in the Assembly which is of great importance to H.M. service as well as the interest of this Colony, and is like to make a good deal of noise amongst the merchants concerned in this trade. The extream low price to which tobacco hath been reduced for sometime past, and the disinclination shown by the merchants and factors to concur in any measures projected here for advancing its value, together with the melancholly reflection, that while people in Great Britain find their accot. in running tobacco without paying any custom, there is small hope of reviving the credit of the staple of this country; These things duely weighed, engaged this General Assembly to prepare an humble address to H.M., and a petition to the Parliament, setting forth the many frauds and abuses by which H.M. has not only been deceived in the payment of his Customs, but the planters greivously injured (by the same means) in their propertys, and their commodity brought so low, as that they are hardly able to provide cloaths for the slaves that make it: and therefore praying that the dutys thereon, may be put under a different management. This Address and Petition with a letter to the Lords of the Treasury they have sent by an Agent of their own, Mr. Randolph, who hath the honour to deliver this to your Grace: and he is a person of great integrity and is employed in a negotiation intended for the encrease of H.M. Revenue, at the same time that it is proposed to relieve the people of the Colony, *etc.* *Recommends* him to his Grace's favour *etc.* *Continues* :—I am sensible great opposition will be made to what is proposed, not only by all who have made an unjust gain by defrauding the Crown, but even by men of better characters whose private interests is like to suffer by it *etc.* *Begs* his Grace to allow Mr. Randolph to explain the present management of the tobacco trade and the measures now proposed for its amendment, and he will then be able to distinguish the different parties that are likely to oppose them *etc.* In any case, *hopes* that neither Virginia nor himself will lose H.M. favour by this attempt to secure honesty in the trade and encrease H.M. Revenue *etc.* *Signed*, William Gooch. *Holograph.* 2½ pp. *Enclosed.*

309. i. Address of the Council and Burgesses of Virginia to the King. *Express* the highest sentiment of gratitude for the principal share H.M. had in settling the Peace of Europe on a lasting foundation, guided by the love of mankind and the tenderest regard to his subjects. *Continue* :—Now that the Temple of Janus is shut by your Majesty's wise councils we have reason to hope that the Commerce of your Kingdoms will revive, their Navigation flourish and their manufactures prosper; and as your loial subjects of this Colony contribute all they can to the advantage of their Mother Country in each of those instances, We presume to cast ourselves

1732. [309. i]

at your foot humbly beseeching your Majesty to permit us to lay before you the deplorable condition to which the low price of tobacco has reduced us. That commodity Sir which pays your Majesty so many customs, employs so many of your British subjects, ballances so great a part of their trade with forrein nations, takes up so many ships and breeds so many seamen is now fallen so low that it will hardly purchase raiment for the poor planter that makes it. In this extremity we flee to your Majesty whose ears are always open to the just complaints of your remotest subjects and to your Parliament for releif humbly imploring that your Majesty will be graciously pleased to permit John Randolph *etc.* to represent the causes of the declension of our staple and to propose such expedients for preventing the frauds which threaten the inevitable ruin of the trade as he is instructed from us to offer : and do earnestly beseech your Majesty that some effectual method may be established to compel an honest payment of the duties wherein the interest of your subjects here is as much concerned as your Majesty's revenue. *Signed*, in behalf of the Council, Robert Carter, President : Jno. Hollonnis, Speaker of the House of Burgesses. 1 *large p.* [*C.O.* 5. 1337. *ff.* 113, 155-156.]

July 20.
New
Providence.

310. President and Council of the Bahama Islands to the Duke of Newcastle. Whereas it pleased Almighty God to take unto himself the soul of Woodes Rogers Esq. our late Governr. on the fifteenth day of this instant, We the President and the rest of H.M. Council *etc.* acquaint yr. Lordship therewith, *etc.* ; taking this first opportunity of conveyance, via. So. Carolina *etc.* *Signed*, Richd. Thompson, William Spatchers, J. Howell, Thos. Spencer, Richard Thompson junr., Thos. Lorey, Willm. Pindar. 1½ *pp.* [*C.O.* 23. 14. *ff.* 225, 225 *v.*]

July 20.
Whitehall.

311. Mr. Popple to Mr. Attorney and Mr. Solicitor General. Encloses copy of Chief Justice Smith's Representations. Mr. Smith is directed to attend them *etc.* [*C.O.* 5, 323. *f.* 53 *v.*]

July 20.
Whitehall.

312. Council of Trade and Plantations to the Queen, Guardian of the Kingdom *etc.* In obedience to the Order in Council, 20th Sept., 1727, *etc.*, lay before H.M. the old seals received back from New Hampshire, Mass. Bay, New York, Virginia, S. Carolina, Jamaica, Barbados, Leeward Islands, Bermuda and the Bahama Islands *etc.* Those from Jamaica, New Jersey and N. Carolina are not yet come to our hands *etc.* [*C.O.* 324, 11. *pp.* 309, 310.]

July 20.
Whitehall.

313. Mr. Popple to Governor Philipps. My Lords Commissioners for Trade and Plantations command me to desire you will send them as soon as possibly you can the original pass of Monsieur Subercasse, of which you sent my Lords a copy, by which it appears that the French did claim as far as the River of Kennebeck within the bounds of Nova Scotia. I am likewise to

1732. [313]

desire if you can possibly procure them some of the orders and Commissions to one Monsieur Grand Fontaine which were enclosed in the letter from one Peter Melanson to Captain Doucet dated the 17th of November, 1719, as likewise the Commission which the French King gave to widow Campbell's grandfather, and which was delivered into the hands of Governor Cosby, and the regulation of property made by order of the French King for his subjects in Accadie mentioned in Madam Bellisle's petition to General Nicholson. [C.O. 218. 2. pp. 261, 262.]

July 20.
Whitehall.

314. Council of Trade and Plantations to the Duke of Newcastle. *Enclose* following to be laid before Her Majesty. *Autograph signatures* 1 p. *Enclosed*,

314. i. *Same* to the Queen, Guardian of the Kingdom and H.M. Lieutenant within the same. In obedience to H.M. commands, 3rd Aug. last, we have considered the petition of Sir William Keith for a grant of lands westward of the great ridge of mountains on the back of Virginia *etc.*, and discoursed several times with the petitioners *etc.* But whilst we were preparing our representation thereupon to His Majesty, we were made acquainted with the several pretensions of the Lords Baltimore and Fairfax, and of the executors of the late Mr. Penn to the lands in question *etc.* Lord Baltimore acquainted us that he apprehended the tract of land petitioned for was included within his patent. The Lord Fairfax did also lay claim to the said land, as being part of the district of which he is Proprietor in the Province of Virginia, other executors of the late Mr. Penn put in their claim to it likewise, as appertaining to the Province of Pennsylvania. Upon the whole therefore, in order to clear up and ascertain the validity of these different pretensions, we would most humbly propose to your Majesty, that Commissioners may be appointed on the part of the Province of Virginia, and likewise of the several claimants abovementioned who shall be properly authorized to settle and mark out the boundaries of their respective Provinces and districts, as hath been already practised between the Provinces of Virginia and North Carolina, and that the necessary directions be given to H.M. Govr. of Virginia, to summon the several claimants to appoint their Commrs. for the said survey within a limited time, that so the right to the land in question may be clearly understood, and if the same should appear to be in the Crown, H.M. may be at liberty to make such grants and regulations for the settling and cultivation thereof, as shall be agreeable to His royal pleasure. *Autograph signatures*. 4 pp. [C.O. 5, 1344. No. 7; and 5, 1366. pp. 85-88.]

July 21.
Kensington.

315. Duke of Newcastle to the Council of Trade and Plantations. *Encloses following*. It is Her Majesty's pleasure, that

1732. [315]

you enquire into the truth of it, that if there appears to be any foundation, proper directions may be given" *etc.* *Signed*, Holles Newcastle. *Endorsed*, Reed, 24th, Read 25th July, 1732. 1 p. *Enclosed*.

315. i. Anne Jones to the King. London. June 27, 1732. Describes conversation with one Capt. John Elliott, and testifies to the great value of Major Fitzhugh's copper mine in Virginia, in whose family she lived. Capt. Elliott spoke of six more in Stafford and Prince William counties and the freshes of Potomack, and of a silver mine revealed to a doctor by an old Dutchman. Six gentlemen are now concerned in it, who intend to work it under colour of a lead mine. On learning this she at once returned to England, hoping to be serviceable to H.M. *etc.* *Signed*, Anne Jones. 1 $\frac{3}{4}$ pp. [*C.O.* 5, 1323. ff. 1, 2, 3, 4 v.]

July 21. **316.** Order of Queen, Guardian of the Kingdom *etc.*, in Kensington. Council. Upon reading the memorial of Charles Lord Baltimore that, his affairs necessarily requiring his presence in Maryland, he is preparing to set out for the same, but that being advised that the Commission of Lt. Governor Ogle (approved of by H.M. 1st July, 1731) will be superceeded on his arrival there, and that the said Ogle cannot on the memorialist's leaving the province take upon him the Government again without new powers and authorities, he therefore prays that H.M. will approve of said Ogle as Lt. Governor on his departure thence, entering into new securities before the Lt. Gov. of Virginia in the like penalty of £2000 *etc.*, it was ordered accordingly. *Signed*, Ja. Vernon. *Endorsed*, Reed, 15th Aug., Read 7th Sept., 1732. 2 $\frac{2}{3}$ pp. [*C.O.* 5, 1268. ff. 97-98 v.]

July 21. **317.** Order of Queen, Guardian of the Kingdom and H.M. Kensington. Lieutenant within the same, in Council. Repealing act of S. Carolina, 1726, *for the better settling of the Courts of Justice*, in accordance with representation of Council of Trade and report of Committee of Privy Council. *Signed*, Ja. Vernon. *Endorsed*, Reed, 15th Aug., Read 7th Sept., 1732. 1 $\frac{2}{3}$ pp. [*C.O.* 5, 362. ff. 92, 92 v., 93 v.]

July 21. **318.** Order of Queen *etc.* in Council. Confirming act of S. Kensington. Carolina, 1720, *for the amendment of the law etc.* *Signed and endorsed as preceding*. *Copy*. 1 p. [*C.O.* 5, 362. ff. 97, 104 v.]

July 21. **319.** Order of Queen *etc.* in Council. Approving of the Kensington. draught of Instructions for Governor Johnson for settling 600 Swiss Protestants and granting 48,000 acres *etc.* v. 9th March *etc.* *Signed and endorsed as preceding*. *Copy*. 1 $\frac{1}{2}$ pp. [*C.O.* 5, 362. ff. 98, 98 v., 103 v.]

July 22. **320.** Mr. Popple to Mr. Burchett. *Encloses* copies of Whitehall. Governor Burrington's and Mr. Porter's complaints against each

1732. [320]
other, and acquaints him that the Board has forwarded copies to them for their proofs *etc.* (v. 16th Aug.). [*C.O.* 5, 323. *f.* 53 v.]
- July 23. **321.** Lt. Governor Gooch to [! *Mr. Delafaye*]. Sir, If I could receive any greater satisfaction in obeying your commands, than by doing the thing you desired for the service of your friend, I should certainly have mett with it, when pursuant to your recommendation I settled Mr. Eelback in a good parish amongst kind parishioners, and near his brother's house *etc.* *Recommends* Mr. Randolph as 20th July. *Signed*, Will. Gooch. *Endorsed*, R. (by Mr. Randolph) Oct. 27. *Holograph.* 1 p. [*C.O.* 5, 1337. *ff.* 157, 158 v.]
- July 25. **322.** Order of Committee of Privy Council. Ordering the
Whitchall. Council of Trade and Plantations to prepare a draught of Instructions for the Governor of S. Carolina, agreeable to enclosed petition *etc.* *Signed*, Ja. Vernon. *Endorsed*, Reed. 11th, Read 31st Aug., 1732. 1½ pp. *Enclosed.*
322. i. Petition of the Trustees for establishing the Colony of Georgia in America to the King. Finding it necessary that notice of their Charter should be given to the Governor of S. Carolina, with a signification that all due countenance and encouragement should be given for the settling of the said Colony, pray for H.M. Instructions accordingly, and likewise a direction for registering the said Charter in the records of the said Province from a copy to be annexed to the said Instruction. *Copy.* 1 p. [*C.O.* 5, 362. *ff.* 89-90, 96 v.]
- July 25. **323.** Order of Committee of Privy Council. Referring follow-
Whitchall. ing to the Council of Trade and Plantations for their opinion what is adviseable to be done thereupon. *Signed*, Ja. Vernon. *Endorsed*, Reed. 31st July, Read 1st Aug., 1732. 1½ pp. *Enclosed.*
323. i. Petition of John Hart to the Queen, Guardian of the Kingdom *etc.* In the Bay of Fundy in H.M. Province of Nova Scotia there is a peninsula extending eastwards from Holt Island in the said Bay to the river Chignicto containing by estimation about fifteen leagues in length and about one league and a half in breadth by an average. The said peninsula is at present uninhabited, great part thereof consisting of unprofitable land and as the same lyes at some distance from Annapolis Royal the only place in strength in this province is exposed to insults from the Indians even in times of peace and from the French in time of warr and cannot be planted with any security unless a number of people sufficient to form a township and to defend themselves in case of danger should at once be settled there. Such a settlement would be of great consequence to H.M. Dominions in those parts there being at present very few or no inhabitants in the whole Province of Nova

1732. [323. i]

Scotia besides the garrison of Annapolis and about three thousand French who have remained there ever since the Treaty of Utrecht and who in case of a rupture with France could not be depended on. But forasmuch as a settlement of this kind will be attended with great hazards and expence your Petitioner humbly hopes that all reasonable encouragement may be given to the undertaking namely an exemption from Quit rents for the space of ten years and a moderate quit rent after the expiration of that term not exceeding that at present paid in Virginia, for it is not to be expected that lands so exposed and scituate in so cold a climate as that of Nova Scotia can ever be settled without some encouragements whilst lands are still to be had in all the other more Southern Provinces on the continent of America at moderate quit rents and attended with all the advantages and security resulting from a well-peopled and well settled Government. Your Petr. therefore most humbly prays that Your Majesty may be graciously pleased by your Orders in Council to direct the Surveyor of H.M. lands in Nova Scotia or his deputy to survey and lay out a part of the said peninsula beginning from Holt Island incl. and extending eastward to the mainland containing by estimation about twelve leagues in length and about one league and a half in breadth at an average bounded North South and West by the Bay of Fundy aforesaid in order to the making a grant thereof to Your Petitioner and his heirs and that Col. Philips, H.M. Governor of the said Province or the Lieut. Governor thereof in his absence to pass a grant under the Seal of the Province of the said peninsula to your Petr. and his heirs of the said lands so to be laid out with the aforesaid encouragements in consideration whereof Your Petr. undertakes within the space of five years from the date of the said grant to transport and settle one hundred Protestants upon the said peninsula and one hundred more within the further space of ten years to be computed from the date of the grant as aforesaid *etc.* *Signed*, Jo. Hart. *Endorsed*, Recd. 31st July, Read. 1st Aug., 1732. *Copy.* 3½ pp. [C.O. 217, 6. ff. 93-95 r., 96 v.]

July 25.
Kensington.

324. Order of Committee of Council. Referring following to the Council of Trade and Plantations for their opinion thereupon. *Signed*, Ja. Vernon. *Endorsed*, Recd. 31st July, Sent to Mr. Fane, Sept. 19th, Recd. back 7th Dec., 1732, Read 6th Feb., 1734. 1 p. *Enclosed*,

324. i. List of following acts, *copies certified by*, J. Belcher, J. Willard, Secry. 1¼ pp.

324. ii. Eight acts of the Massachusetts Bay, 1731, 1732 :—
(i) *Act for grant unto H.M. several rates and duties of impost and tunnage*; (ii) *further to exempt persons*

1732. [324. ii]

commonly called Quakers from being taxed towards the support of Ministers etc. ; (iii) for the payment of H.M. Council and Representatives etc. ; (iv) to prevent persons concealing the small-pox ; (v) in addition to the act for the relief of idiots ; (vi) authorizing Commissioners to determine the western boundary of this Province and Rhode Island etc. ; (vii) for supplying the Treasury with £3,800 for the payment of Francis Wilks, Agent for the Province etc. ; (viii) for making a new town in the county of Worcester by the name of Dudley. Printed. 15 pp. [C.O. 5, 877. ff. 3, 4-8, 9-12 v., 13 v.]

July 25. **325.** Order of Committee of Privy Council. The Council of Kensington. Trade and Plantations are to prepare a draught of Instructions for the Governor of Jamaica agreeable to the prayer of *enclosed* petition. *Signed*, Ja. Vernon. *Endorsed*, Recd. 31st July, Read 1st Aug., 1732. $1\frac{2}{3}$ pp. *Enclosed*,

325. i. Petition of John Ayscough to the Queen. President of the Council of Jamaica upon the death of the Duke of Portland, petitioner was removed from the Council by General Hunter's recommendation of another person. He was then obliged to come to England for the recovery of his health. H.M., upon his petition granted him a sign manual, 31st May, 1731, that upon his return to the island, he should be admitted to his former rank as President of the Council. *Prays that*, in case Governor Hunter should have left before his arrival, and a younger Committee have taken command, that H.M. should grant him an order to take upon him the command of the island during Governor Hunter's absence *etc.* *Signed*, J. Ayscough. *Copy.* $2\frac{1}{2}$ pp. [C.O. 137, 20. ff. 29-31, 32 v.]

July 26. **326.** Governor Philipps to Mr. Popple. *Reply to* 20th July. *Continues*: After the most careful thorough search I cannot find among my papers an originall passport of Monsr. Subercass's, and (upon reflection) doe not see how such a paper could fall into my hands, *etc.* *Believes* the copy he sent to the Board was authentic, by reason Capt. Southeck, from whom he procured it, told him he drew it from the original, "which he had very good opportunity of doeing as he was a significant officer in the Expedition under Genll. Nicholson" *etc.* *Continues*: I doe not remember to have seen any orders or commissions to Monr. Grand Fontaine, if Capt. Dowcett had any such sent him, (which I imagine could only be copy's) they will be found among the Province Records at Annapolis Royall *etc.* *Remembers that* what the Widdow Campbell called a Commission from the French King to her grandfather, was shown to him by Govr. Cosby, but he returned it to her in accordance with Cosby's promise. *Continues*: As to a regulation of property made by the French King for his subjects in Accadie mention'd, (as you say) in Madm. Bellisle's petition to Genll. Nicholson, I am a stranger to it. I allways

1732. [326]
 imagin'd everything of that kind to be contain'd in Monsr. Latour's patent which Mr. Nicholson carry'd away with him, and was in hopes had left it in your Office, with other materiall papers relating to that Province: if his Executors would permitt an inspection to be made into them it might be of service. I have been prevented by lameness occasion'd by a swelling in my knee from doing myselfe honour of wayting on my Lords Commissioners, but have order'd my Secretary (who has had the perusall very frequently of all papers both here and in the Office abroad) to attend yr Lordships *etc.* Signed, R. Philipps. Endorsed, Reed. 31st July, 1732. Read 27th June, 1734. *Holograph.* 2¹/₂ pp. [C.O. 217. 7. ff. 25-26 v. : and (abstract, with notes for reply) 217. 30. f. 32.]

[July 26.] **327.** Mr. Harris' observations on the Address of the Council and Assembly of Jamaica (*v.* 31st May). *Abstract.* The Assembly stood prorogued to a very remote time. It was summoned to meet in order to render abortive H.M. Instruction. The Government can be supplied as it was before this duty was laid on. A duty of 6*d.* on every hdd. of sugar could be laid. If the other Colonies load British trade and navigation in like manner. "what is to become of us here where our taxes lay the heaviest of any nation in the world and especially on our trade?" The export duty on negroes laid in 1693 was discontinued and not soon laid on again, and that on complaint of the merchants, long before the South Sea Co. ever exported one negro from Jamaica, but from the time of the import duty the private merchants renewed their complaints every year to this day, as also against the manner of raising it by a new law every year, before the former could be dissapproved by H.M., and this done lest this duty on negroes should be suppressed at Jamaica as it hath been in Virginia, Carolina etc., which is no other than a perfect trick to elude H.M. Instructions to the great derogation of the Royal authority. 'Tis to these reasons chiefly that the duty hath continued so long, as well as to the Governour's breaking their Instructions. As to their want of trade wherein 1200 seamen were employed, that complaint no ways relates to this duty, but may be owing to more reasons than one, particularly to the new method of chartering ships here to go to each of the out Plantations to take in their sugars, which till within these very few years was brought in sloops coasting all round the island called sugar drogers to the markets of Kingston and Port Royal, where they used to be loaded for England and wherein many of these 1200 seamen were employed, as well as in the passage boats in Kingston and Port Royall harbours which now are managed chiefly by negroes. Add to this the island's bringing up negroes to all arts and sciences and artificers of all kinds, and employing them in the room of white people, which they used to be supplied with by a former law for the encouraging the bringing in of white people and which hath been extinct many years, and as there is no encouragement to bring over white people or lands or employment for them when they come thither, 'tis no wonder if they want seamen, as well as

1732. [327]

men of all other professions *etc.*' Would gladly know how the British merchant has any protection in his trade or navigation from Jamaica, as alleged. Are not our ships of war a protection to both, is not the wall duty and powder duty a sufficient load on the British merchant, and are there no great duties on wines and other excessive charges *etc.*? "As to their being allways very tender of taxing trade, for God sake what is the heavy duty on the tonnage of our ships called the wall duty and the powder duty, besides their unmerciful fees of entring and clearing all ships *etc.*? But I dont blame Jamaica nor no other Colonys to raise their taxes upon the trade of England, if we will thus let them do it from year to year *etc.*, and at last plead length of time or prescription as a good argument for the continuance of these burthens upon us." *Endorsed. Recd. Read 26th July, 1732. 3½ pp. [C.O. 137, 20. ff. 17-18 v.]*

July 27. **328.** Observations on the Assiento Contract. Reply to Address of Council and Assembly of Jamaica (*v.* 31st May). *Abstract.* The S.S. Company's supplying the Spaniards with negroes by way of Jamaica is greatly for the benefit of the island (i) because it gives the merchant the expectation of a double market for his negroes, it occasions a great number of ships to be ordered from Africa to Jamaica, and thereby (ii) gives the planters an opportunity of supplying themselves with negroes on better terms and to sell their produce at a better price *etc.*, and because (iii) all the ships that go to Guinea for the S.S. Company bring their negroes to Jamaica and in consequence great sums are laid out there and people find great employment. It seems as if the Assembly are of opinion, that if the S.S. Company did not carry on the Assiento Contract, they should have a very great trade with the Spanish settlements. It is to be feared not so great as they have now. The Company have brought a trade to Jamaica with the several parts of New Spain, they have not deprived the inhabitants of any branch, which they enjoy'd before they were Assientists. There is a trade constantly carried on by the inhabitants of Jamaica with the Spaniards besides the trade carried on by the S.S. Company. The Company's is a legal trade, and a trade allowed by the Spaniards, but the trade which the Company are charged with wresting from the Island was ever carried on in a clandestine manner and at the peril of those who were concerned in it, being in direct contravention of the laws of Spain. If the island had a very great trade with the Spaniards formerly, it is not certain, that it would have continued as great, had not the S.S. Company, but some other nation, the liberty of supplying the Spaniards with negroes *etc.* Laying such taxes on the trade with the Spaniards, must necessarily throw it into the hands of other nations *etc.* The scarcity of currency cannot be due to the Company's carrying on a trade with the Spaniards, for a much greater sum is now taken from the Spaniards in return for negroes, flower and dry goods exported from Jamaica by the S.S. Company and private persons than ever before, and the Company by means of their trade are constantly bringing great

1732.

[328]

sums of money to the island. In time of the greatest trade before the establishing the S.S. Company, there was sometimes a scarcity of currency. This is not owing to the want of trade, but that money, tho' never so light, made much better returns to this Kingdom than the sending any of the produce of the island would do, from the difference of the price insisted upon in Jamaica for the produce, and what it would sell for in this Kingdom *etc.* The Assembly are charging the Island's best friends with being the authors of their misfortunes *etc.* The Company are unjustly treated by being charged with bringing a loss to the island of 1200 seamen, and near 200 vessels employed in the Bays of Campeachy and Honduras. They had no hand in depriving any of H.M. subjects in cutting of wood and trading to these places, and what vessels they may licence to trade thither, they are warranted to do, and only do by virtue of the Assiento Contract *etc.* *Continues:* Those who have been long acquainted with the Island, ascribe its present situation to quite other causes, such as the present inhabitants not having any number of ships or vessels trading on their own accounts to Curosoa, New England, New York, Carolina and other places, whereas the trade with and goods imported from these places formerly were chiefly in vessels belonging to its then inhabitants. The small number of white people and the great increase of negroes *etc.* The number of small plantations thrown into great ones, whereby tho' the number of the inhabitants are lessened, as more negroes are employ'd on the lands, the quantity of sugar produced is much greater. The number of ports or places in the island more than formerly, whereby the number of small vessels with seamen are greatly lessened, and the number of negroes employ'd in canoas, boats, and vessels, as well as in all trade in the towns or plantations, in which white people were formerly employed. It is to these and other causes, that the island is seemingly in so low a condition, tho' notwithstanding, it is certain, the produce of it is of a greater value than it was when it had three times the number of white people capable of bearing arms. And to this decrease of white people, it is owing, tho' the trade with the Spaniards is as considerable as ever, that there is not only not the same consumption of all kind of goods in the Island, but that the revenues which are appropriated for the service of the Government, unless the quit-rents, do not produce equal to what they did formerly, besides as the produce of the settled revenue, which chiefly arose by duties on liquors imported, was formerly much greater than the settled revenue at this time, tho' very lately, additional duties are laid on wines and all other liquors, so the expence of the Government was much less. Surely it is not expected, that because the whole Government was supported by duties on imports when the white inhabitants were treble the number, and the seafaring people and white tradesmen so much greater than they are at this time, and when the value of the produce of the island not one moyety or one third to what it is now, that trade should be charged, or the duties of imports raise, more money than formerly, and that not any money should be raised

1732. [328]

immediately upon the planters whose produce amounts to so much a greater value than it did heretofore. If this is to be a rate, and if the Assembly are permitted to walk by it, the merchants and others must immediately forego any further dealings with Jamaica. *Endorsed*, Recd. (from Mr. Wood), Read 27th July, 1732. $4\frac{1}{2}$ pp. [*C.O.* 137. 20. ff. 19–21, 22 v.]

[July 27.] **329.** Observations on the Address of the Council and Assembly of Jamaica, *by or on behalf of* merchants trading to Jamaica. To same effect as 26th July *etc.* $10\frac{1}{4}$ pp. [*C.O.* 137. 20. ff. 23–28 v.]

July 27. **330.** Mr. Popple to Mr. Fane. Encloses. for his opinion in
Whitchall. point of law, act of Virginia, 1730, *for vesting certain lands entailed in George Turberville in fee simple etc.* [*C.O.* 5. 1366. p. 89.]

July 30. **331.** Governor and Commodore Falkingham to the Council
Salisbury at of Trade and Plantations. This is the first opportunity to
St. Johns in acquaint your Lordships, of my arrival *etc.* According to the
Newfoundland. direction of my Lords Commissioners of the Admiralty I sent [*the Dursley galley*] to St. Johns and proceeded with the *Salisbury* to Placentia where I arrived the 13 instant, and assembled the principal inhabitants, and caused H.M. Commission to be read and published, and took upon me the command of the Fort and Government of the said Island *etc.* Encloses state of Garrison. *Continues* : I had no complaint against either officer or soldier in intermeddling with the Fishery, of which there seems this year a prospect of a very extraordinary one, *etc.* Will send a state of the island and answers to H.M. Instructions the latter end of the season *etc.* Signed, Edwd. Falkingham. *Endorsed*, Recd. 6th Sept., 1732, Read 9th April, 1734. 1 p. *Enclosed*,

331. i. Muster-roll of Garrison of Placentia, July 22, 1732. Signed, Wm. Magra. 2 pp.

331. ii. Bill of lading of stores of war, building material and clothing for the Artillery sent from the Ordnance Office to Placentia : 10th May, 1732. Signed, Wm. Blockhouse. *Endorsed*, Recd. 6th Sept., 1732. 3 pp.

331. iii. Account of provisions for the garrison received 16th May, 1732. "The stonework by the violent frosts moulders away, and it wants a considerable repair." Signed, Edwd. Falkingham. $\frac{1}{2}$ p.

331. iv. Account of stores of war expended at Placentia, 31st. Aug. 1731—1st July, 1732. Signed, Edwd. Falkingham. *Endorsed as encl. ii.* Copy. $2\frac{1}{3}$ pp.

331. v. Account of the stores of war, 1st July, 1732. Signed and endorsed as preceding. 4 pp. [*C.O.* 194. 9. ff. 180, 181–184 v., 185 v.—187 v., 189–190 v., 191 v.]

July 30. **332.** Governor Falkingham to the Duke of Newcastle.
Salisbury at Duplicate of preceding covering letter, *mutatis mutandis.* Signed,
St. Johns in Edwd. Falkingham. *Endorsed*. R. Sept. 18th. 1 p. *Enclosed*,
Newfoundland.

332. i.–v. Duplicates of preceding enclosures. [*C.O.* 194, 24. ff. 106, 107 v.—115.]

1732.

July 31.
Kensington.

333. H.M. Warrants appointing George Phenney, Surveyor General of H.M. Customs in the Southern district of H.M. Dominion in America, to the Councils of Virginia and S. Carolina, as was practised in the case of his predecessors *etc.* *Countersigned*, Holles Newcastle. *Copies.* [C.O. 324, 36. pp. 361-364.]

Aug. 2.
Whitehall.

334. Council of Trade and Plantations to the Lords of the Committee of H.M. Privy Council. Enclose following. *Annexed.*
334. i. Draft of H.M. Additional Instruction to Governor Hunter or the C. in C. of Jamaica for the time being requiring him to admit John Ayscough to take upon him the command of that island during his absence *etc.* [C.O. 138, 17. pp. 360-364.]

Aug. 3.
Whitehall.

335. Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before the Queen.

335. i. *Same* to the Queen, Guardian of the Kingdom *etc.* In obedience to H.M. commands of 31st May, have considered Address, petitions *etc.*, and represent that, By the Act passed at Jamaica, 19th Jan. last, *for raising several sums of money etc.*, to empower the Receiver General to take up money at interest and to appoint a Committee to settle the publick accounts *etc.* a duty is laid of ten shillings pr. head on all negroes imported into Jamaica payable by the importer, altho' the property of the said negroes should not be changed there, and of twenty shillings on every negroe exported from thence, and the act is moreover conceived in such terms, that cargoes of negroes tho' brought to Jamaica for refreshment only and not landed there would be subjected to the sd. duty of exportation if any part of them should be sold in that island, which being directly contrary to H.M. former Instructions to Govr. Hunter, as well as to that of 10th Dec. last, we humbly take leave to lay the said act before your Majesty for your disallowance. It does not appear to us that H.M. last Instruction to Governor Hunter, 10th Dec., 1731, arrived there before he gave his consent to the act now complained of: But we humbly conceive that this Instruction is founded upon the principles of reason and justice, and it has been thought of such importance to the British Trade and Navigation and Shipping as to be made a general rule for all H.M. Colonies in America; Wherefore we would humbly propose to your Majesty that the same may be continued. [C.O. 138, 17. pp. 364-369.]

Aug. 3.
Whitehall.

336. *Same* to the Committee of the Privy Council. *Reply to* order of 5th June, referring to complaint against Govr. Hunter for giving his assent to *above* act. *Enclose* copy of preceding. [C.O. 138, 17. pp. 369-371.]

1732.

Aug. 3.
Whitehall.

337. *Same* to the Duke of Newcastle. Enclose Representation upon Address of the Council and Assembly of Jamaica concerning duties upon negroes, to be laid before the Queen. *Autograph signatures.* 1 p. [*C.O.* 137, 47. *f.* 136.]

Aug. 3.
Boston.

338. N. Byfield to Mr. Popple. *Acknowledges* letter of 3rd May last. Sent a copy of his representation to the Admiralty. *Continues* : The reason why I troubled their Lordships of the Board of Trade with my case, is that I apprehend that in H.M. Plantations, and especially in this trading Colony of New England, the good regulation of, and preventing abuses in trade depends very much upon supporting the jurisdiction of the Court of Admiralty there, which if nothing is done in favour of it at this crisis, must inevitably sink ; as for my own part, I would forthwith dismiss myself from the trouble of my post, if I could do it with honour before I have an answer from their Lordships of the Admiralty. *Signed*, Nathl. Byfield. *Endorsed*, Recd. 9th Oct., Read 30th Aug., 1732. 1 p. [*C.O.* 5, 875. *ff.* 228, 229 v.]

Aug. 4.
Boston.
N. England.

339. W. Shirley to the Duke of Newcastle. *Returns thanks* for his Grace's goodness in appointing him to succeed the present Attorney General of New York, if the account of his death had prov'd true *etc.* *Will wait* upon Col. Cosby and his Lady upon their arrival. If Providence permits him to settle at New York by giving promise of equal success there, it will be a singular pleasure to be near a branch of his Grace's family *etc.* *Signed*, W. Shirley. *Holograph.* 1 p. [*C.O.* 5, 898. *f.* 460.]

Aug. 5.

340. Mr. Attorney and Mr. Solicitor General to the Council of Trade and Plantations. Report upon petition of the Governor and inhabitants of Rhode Island (*v.* 9th Dec., 1731). *Continue* : By the Charter *etc.* the General Assembly, or the greatest part of them then present, whereof the Governour, or Deputy Governour and six of the Assistants at least to be seven, have a power to make and repeal laws *etc.*, so as such laws be not contrary and repugnant unto, but as near as may be agreeable to the laws of England, *etc.* No negative voice is given to the Governour nor any power reserved to the Crown of approving or disapproving the laws *etc.* We are therefore of opinion that tho' by the Charter the presence of the Governour or in his absence of the Deputy Governour is necessary to the legall holding of a Generall Assembly, yet when he is there he is a part of the Assembly and concluded by the majority ; and consequently that acts passed by the majority of such Assembly are valid in law, notwithstanding the Governour's entring his dissent at the time of passing thereof. As to the question stated in Mr. Popple's letter, Whether H.M. hath any power to repeal *etc.* the Act [*for emitting* £60,000 *in paper bills*], we humbly conceive that no provision being made for that purpose the Crown hath no discretionary power of repealing laws made in this Province, but the validity thereof depends upon their not being contrary, but as near as may be agreeable, to the laws of England, regard being had to the nature and constitution of the

1732. [340]

place and people. Where this condition is observed, the law is binding, and where it is not, the law is void as not warranted by the Charter. [*Upon the other two*] questions proposed by the Governour *etc.*, we are of opinion that it is the duty of the Governour to set the seal of the Colony to such copies attested by the Secretary in order to be sent to H.M., and that it is sufficient, if the same are examined and attested by the Secretary, the proper officer for that purpose, without the personall examination of the Governour. *Signed*, P. Yorke, E. Talbot. *Endorsed*, Recd. 8th, Read 16th Aug., 1732. 4 pp. *Enclosed*.

340. i. Petition of Governor Jencks to the King (*v.* C.S.P. 9th Dec., 1731).

340. ii. Petition of Merchants and Inhabitants of Rhode Island to the King (*v.* C.S.P. 9th Dec., 1731). [*C.O.* 5. 1268. ff. 89-93 *v.*, 94 *r.*]

Aug. 5.
Boston,
New England.

341. Lt. Govr. Phips to the Duke of Newcastle. Expresses gratitude to H.M. for his Commission. *Signed*, Spencer Phips. *Holograph*. 1 p. [*C.O.* 5. 898. f. 462.]

Aug. 9.
Wmsburgh.

342. Lt. Governor Gooch to the Council of Trade and Plantations. *Recommends* Col. Henry Armistead to fill the vacancy in the Council caused by the death of Col. Robert Carter. There is no objection to be made to his person or circumstances, and he lives in a part of the country that never, untill the death of Col. Page, was without a Councillor. *Signed* William Gooch. *Endorsed*, Recd., 17th Oct., 1732, Read 10th Jan., 173 $\frac{2}{3}$. *Holograph*. 1 p. [*C.O.* 5. 1323. ff. 55, 60*r.*]

Aug. 10.
Kensington.

343. Order of Queen, Guardian of the Realm *etc.* in Council. Ordering the defacing of the old seals received from Massachusetts Bay, New Hampshire, New York, Virginia, South Carolina, Barbados, Leeward Islands, Bermuda and Bahama Islands. *Signed*, W. Sharpe. *Endorsed*, Recd. 28th Oct., 1732, Read 4th May [1733]. 1 p. [*C.O.* 323. 9. ff. 122, 123*r.*]

Aug. 10.
Kensington.

344. Order of Queen, Guardian of the Kingdom *etc.*, in Council. Referring enclosed petition to the Council of Trade and Plantations for their report. *Signed*, W. Sharpe. *Endorsed*, Recd. 11th, Read 23rd Aug., 1732. 1 p. *Enclosed*.

344. i. Petition of Jonathan Belcher jr., to the Queen in Council. Aug. 2, 1732. Prays that Governor Belcher may be permitted to assent to a bill passed by the Council and Representatives of the Massachusetts Bay, June 13th last, granting him £3000, notwithstanding all his endeavours the people still refusing to support their Governor in any other way *etc.* *Signed*, Jona. Belcher, junr. *Copy*. 1 $\frac{2}{3}$ pp. *Enclosed*,

344. ii. Copy of bill referred to in preceding. 1 $\frac{2}{3}$ pp. [*C.O.* 5. 874. ff. 117, 118-119 *v.*, 122 *r.*]

1732.

Aug. 10.
Kensington.

345. Order of Queen, Guardian of the Kingdom *etc.*, in Council. Approving draught of Instructions directing the devolution of the Government of Jamaica to Mr. Ayscough *etc.* *Signed*, W. Sharpe. *Endorsed*, Recd. 28th Oct., 1732, Read 4th May, 1733. 1 p. [*C.O.* 137, 20. *ff.* 90, 93 v.]

Aug. 10.
Kensington.

346. Order of Queen, Guardian of the Kingdom, in Council. Approving report of the Committee for Plantation affairs, and ordering that "David Dunbarr do quitt the possession of all the said lands," and revoking H.M. Instructions of 27th April, 1730, to Governor Philips and Dunbar, relating to the settling of the lands between the Rivers Penobscot and St. Croix. The report of the Committee is upon the petition of Samuel Waldoe, of Boston, in behalf of himself and Elisha Cooke and others, and the petition of Sir Bibye Lake. The Lords of the Committee quote the opinions of the Attorney and Solicitor General, who were consulted by the Council of Trade, (11th Aug., 1731), and agree with them that the Charter of the Massachusetts Bay "doth still remain in force, and that the Crown hath not power to appoint a particular Governor over this part of the Province, or to assign lands to persons desirous to settle there, nor can the Province grant these lands without the approbation of the Crown, according to the Charter, and that the petitioners, their tenants or agents, ought not to be disturbed in their possession or interrupted in carrying on their settlements in the lands granted to them within the district in question" *etc.* They therefore advise H.M. to revoke the Instructions of 27th April, 1730, *as above.* *Signed*, W. Sharpe. *Endorsed*, Recd. 28th Oct., 1732, Read 4th May, 1733. 14½ pp. [*C.O.* 5. 875. *ff.* 61-68 v.]

Aug. 11.
Kensington.

347. H.M. Additional Instruction to Governor Hunter. Whereas John Ayscough, formerly President of H.M. Council in Jamaica *etc.* was, upon his being obliged to come to England for the recovery of his health, removed from his place in the said Council; but hath since been restored *etc.*, and is now actually upon his voyage thither. But H.M. *etc.* having been graciously pleased to grant Robert Hunter Esq. his Governor *etc.* leave to return to this Kingdom, *etc.*, upon receipt whereof the said Robert Hunter may possibly have left the island, and some other Member of the Council have taken upon him the Government, before Mr. Ayscough's arrival, *order that* in the case of the death or absence of Governor Hunter, Mr. Ayscough do take the Government upon him until Governor Hunter's return or H.M. further pleasure be known, notwithstanding any other Member of Council shall have taken the said command upon him *etc.* *Signed*, C.R.C.R. [*Carolina Regina Custos Regni*]. *Copy.* [*C.O.* 324, 36. pp. 365, 366.]

Aug. 11.

348. Mr. Attorney and Mr. Solicitor General to the Council of Trade and Plantations. Reply to Queries concerning validity of laws of Carolina. We are of opinion that laws passed by the Governors appointed by the Lords Proprietors, and in their names,

1732. [348]

after the sale and before notice thereof arrived in the Province, are of the same validity as such laws would have been if they had been passed in like manner before such sale : But that any laws pass'd in the Proprietors' names, after notice of their having conveyed their interest to the Crown, are absolutely null and void. *Signed*, P. Yorke, C. Talbot. *Endorsed*, Reed, 18th Augt., Read 6th Dec., 1732. 1 p. [*C.O.* 5. 362. ff. 131, 132 v.]

Aug. 12.
Barbados.

349. President Barwick to the Duke of Newcastle. *Encloses* Minutes of Council 15th Feb.,—10th May, 1732 ; proceedings of Court of Chancery 8th July, 1730—18th April, 1732 : act for *limitation of actions and avoiding suits and securing peaceable possession of estates etc.*, and duplicates of Minutes of Council, 14th Sept., 1731—15th Feb., 1732, and of Treasurer's accounts 27th Nov., 1730—27th May, 1731 ; and of an act for *laying a duty on wine etc. imported*, and of act for *the punishment of runaway slaves and of slaves who shall harbour them etc.* *Continues* : These are all the papers I am able to get sent in from the several offices here to transmit by this conveyance, my Secretary has several times demanded the papers from the respective officers, having orders from me to call continually upon them *etc.*, but neither the Clerk of the Assembly or the Clerk of the Courts of Common Pleas have rendered transcripts of the Assembly's Journals or of the proceedings of the Court of Common Law, neither has the Treasurer sent in his accots. They know I am forbidden by H.M. 30th Instruction to suspend any officer without the consent of at least seven members of Council, therefore render their papers as they please *etc.* *Continues* : The several forts and fortifications are in a ruinous condition and tho' Colo. Worsley and myself have recommended them to the consideration of the Assembly they have made no repairs or concerned themselves in providing for putting them into better order and as to all other things they stand in the same manner they did in Colo. Worsley's time no alteration being made therein since I came to administer the Government excepting two or three mattresses belonging to some of the forts that have died and their places since filled up by me, a new Deputy Naval Officer admitted and a new Coroner for the parish of St. Michael. I shall endeavour to continue everything in the same condition it is in and deliver up the Government to the Lord How on his arrival in the best order I can *etc.* *Signed*, Saml. Barwick. *Endorsed*, R. 1st Jan. 2 $\frac{2}{3}$ pp. [*C.O.* 28. 40. No. 16.]

Aug. 12.

350. Proceedings of Court of Chancery, Barbados, 8th July, 1730—18th April, 1732, referred to in preceding. 25 pp. [*C.O.* 33, 27. No. 14.]

Aug. 12.
Barbados.

351. President Barwick to the Council of Trade and Plantations. Duplicate of preceding, *mutatis mutandis*, with addition :—As to any new manufactures or trade carried on that any way affects the trade of Great Brittain, we have not any that I know but what you have had a particular accot, of transmitted to your

1732. [351]

Board with all laws that have been made. *Signed*, Samll. Barwick. *Endorsed*. Recd. 5th Dec.. Read 23rd Feb.. 1732. 3 $\frac{1}{4}$ pp. [C.O. 28, 23. ff. 50-51 v.]

Aug. 14.
Boston.

352. Governor Belcher to the Duke of Newcastle. *Abstract*. Since his letter of 10th July, has spent a month in the eastern parts of the Province, viewing the king's forts in George's river, Kennebec, at Brunswick, Winter Harbour and Saco River. *Continues* :—I went up Kennebec river about 20 miles above the fort, and so much further than there has been any English settlements, and up George's, ten miles further than the fort, or any settlement, and up Saco about 6 miles further than any settlement. Part of the travel I made in boats, and part by land, to get the better knowledge of the situation of the country. These rivers, My Lord Duke, all of them make good harbours for shipping, are full of many sorts of fish, and are near to the ocean for carrying on the cod-fishery, and are border'd with fine lands, plentifull of pines, white oaks, and other timber and woods; and this eastern part of the province, will, in time, make a noble addition to H.M. Dominions in America. I had, may it please your Grace, at Falmouth, in Casco Bay an interview and conference of 4 or 5 days with the several tribes of Indians in those parts, for ratifying the peace, and further to confirm them in their duty and allegiance to the British Crown. The Secretary is preparing a copy *etc.* *Continues* : Most of the forts in that frontier are fallen to ruin, and hardly anyways defensible, and which I shall lay before the Assembly of this Province at their next sitting, that they may be put into repair *etc.* Has received Additional Instruction, for Mass. Bay and N. Hampshire, forbidding any future duty on British ships or goods. Since a similar Instruction of 16 years ago, no such duty has been laid in this Province; but at N. Hampshire there has been a law subsisting for 10, or 12, years past, "which lays a duty of a pound of powder a tun on all shipping, but those of that Province, and I know no way to have that law repeal'd, unless the Assembly would do it, which I don't expect. But these Instructions shall be communicated to both Assemblies *etc.* Set out, Mass. Hist. Soc. Coll. 6th Ser. VI. 171. *Signed*, J. Belcher. 3 pp. [C.O. 5, 898. ff. 464-465.]

Aug. 14.
Boston.

353. *Same* to the Council of Trade and Plantations. *Duplicate of preceding, mutatis mutandis.* *Signed*, J. Belcher. *Endorsed*, Recd. 27th Sept.. Read 3rd Oct., 1732. 3 pp. *Enclosed*,

353. i. Memorandum of Governor Belcher's Conference with the Indian Chiefs at Falmouth (*v.* covering letter). "Laid before the House of Commons and not receiv'd back." 1 p. [C.O. 5, 875. ff. 21-22 v., 23 v.]

Aug. 16.
Whitehall.

354. Mr. Bladen and Mr. Brudenell to the Lord President. The report of the Board of Trade to the Committee of Council of the 3rd inst., inclosing a copy of their Representation to H.M., being returned to this Office, and we being informed that your Lordp. did not apprehend it to be a proper answer to the Lords'

1732. [354]

Order of the 5th June *etc.*, we thought it our duty to acquaint your Lordp. that the Board were led into this method of proceeding by a late precedent in their books, where the Lords of the Committee of Council accepted of a like report from this Board and proceeded upon it. The report we mean was *etc.* 27th March, 1729, in which the copy of a representation to the King was enclosed in lieu of a particular report *etc.* We are not at present a Board and have the honour to write yor. Lordp. this letter only as private gentlemen : But we are persuaded that if this method of proceeding should be thought improper, our Brethren will readily submit to your Lop's. better judgment and make a particular report to the Lords of the Committee *etc.* Signed, Martin Bladen, Jas. Brudenell. [*C.O.* 138, 17. pp. 371-373.]

Aug. 16.
Whitehall.

355. Mr. Popple to Governor Burrington. *Abstract.* Replies to letters of 1st July and 4th Sept. of the complaints he apprehends, only those by Mr. Porter have been lodged in this office. Encloses copies, and is also sending to Mr. Porter a copy of what the Governor has written against him, for their depositions and proofs which they are to interchange, before transmitting to the Board *etc.* (*v. following*) whilst withholding their judgment till then, the Board cannot help observing that Mr. Porter stands acquitted by the old Councillors, and only condemned by the new ones nominated by the Governor. As there is some doubt whether there were not seven Councillors still in the Province when he so nominated the new ones, their Lordships expect an exact account of this matter, by which it will appear how far he has obeyed his Instruction. He has no power to alter the rank of the Councillors placed by H.M. in the first article of his Instructions. He is therefore to restore them. The Board is of opinion that it might have been advisable for him not to have recommended so many things at once for the consideration of the Council and Assembly. His suggestion to the Assembly that they might as they saw occasion send deputations to advise with him is a very unusual practice. "You will do well for ye future, to avoid any such thing, as well as ye joining in any Conference, which the Council and Assembly may have together : as you have ye honour to represent to H.M. person, and as such, are one of the three parts of the Legislature of the Province, you have a negative on all their publick proceedings, and therefore cannot in ye least intermeddle in debating or voting in either Council or Assembly, or in any Conference between them." The Board cannot avoid observing his great irregularities in his commerce with the lower House, "particularly where you compare one of their Members to a thief, who to prevent his being discover'd, sets ye house on fire, and escapes in ye smoke. As every member of ye Assembly has undoubted right to propose, whatever he judges for the service of ye Province, this proceeding of yours looks too much like intimidating the members of ye Assembly, and therefore my Lords are of opinion, that a more cool behaviour in you, may not only be a good example to both houses, but may prevent any complaint against yourself on this head."—*Replies* to his enquiry

1732.

[355]

whether the Receivers of H.M. quit-rents may accept an equivalent to Proclamation money, that he is steadily to adhere to his Instructions upon all occasions, and that therefore whenever any act be passed, it must be enacted that H.M. quit rents be punctually paid in Proclamation money. If it shall appear that there is not money sufficient to answer such payments, H.M. upon a proper application may agree to take an equivalent in the products of the Province. As to the Grand Deed of 1668, pleaded by the people against paying any higher quit rent than is paid in Virginia, it can only be understood as a temporary letter of attorney from the Lords Proprietors, revocable at their pleasure, as in effect, it was many years ago, when they directed their Governor Mr. Eden, to grant no land without reserving one penny pr. acre. "However, as ye paying 4 sh. Proclamation money pr. hundred acres, as well as paying all officers' fees in ye said currency, and registering all grants of land are by your Instructions made ye terms upon which H.M. has been graciously pleas'd to declare he will remit ye paymt. of the arrears of quit rent : H.M. Officers may soon have directions to collect ye sd. arrears, unless ye people do speedily think fit to comply with H.M. terms, which are calculated for their advantage, and for quieting them in their possessions." As to his dispute with the Assembly about appointing a Clerk of that House, they having taken no notice of the Governor's commission to Mr. Williams, but appointed him their Clerk by their own authority, the Board reminds the Governor of his 14th Instruction, not to allow the Assembly any greater privilege than is enjoyed by the House of Commons, in Great Britain, where that officer is appointed by His Majesty. "You therefore must take care not to give up this point, wherein H.M. prerogative is concern'd." Asks for copies of his commissions to the Chief Justice and Assistant Judges, and for a report upon the power claimed by the Assembly of choosing a Public Treasurer, and Mr. Moseley's position. In answer to what he writes as to the allowance not being sufficient for holding Courts of Oyer and Terminer, informs him that whenever his Instructions mention money, Proclamation money is intended. As to the boundaries with South Carolina, they were thoroughly considered, and the Board is of opinion that he should put his Instruction into execution. When the Attorney and Solicitor General have made their report concerning the laws of the Province, the Board will be able to give its opinion upon the Act for biennial Assemblies. But so long as a doubt remains concerning the force of that law, he ought not to make any alteration in the Assembly ; and whenever any alteration shall be thought necessary, it will be more proper to be done by an Instruction than by an act of Assembly. Proprietors of plantations gained to N. Carolina from Virginia, need not renew their patents, but only register them. As to his enquiry about warrants given in the time of the Lords Proprietors for taking up lands to the southward, upon which no patents have been issued, the Board desires a distinct account of that affair and list of such warrants *etc.* Set out, N.C. Col. Rec. III. 351. [*C.O.* 5, 323. *ff.* 54-59.]

1732.

Aug. 16.
Whitehall.

356. Mr. Popple to Edmond Porter. My Lords Commissioners for Trade and Plantations have received from you, and consider'd a Representation, and other papers, containing complaints of the proceedings of Capt. Burrington, Govr. of H.M. Province of North Carolina, against you, as a Member of H.M. Council there, and Judge of ye Vice Admiralty Court ; and have transmitted copies of so much thereof as concerns you in the capacity of Judge of Admiralty, to Mr. Burchet, for ye information of ye Lords Commission of ye Admiralty. I herewith send you by their Lordshps' order, an extract of what Capt. Burrington has writ to them by way of complaint against you, at ye same time. I am likewise directed to transmit to him copies of your fore mencoyned Representation and other papers ; and that my Lords may be enabled to make a judgment of the true state of this affair, I have by their command, acquainted him that their Lordships expect he should return to them such depositions and proofs in his own behalf, as he should think convenient, giving you at ye same time full liberty, or any other persons concern'd, to make affidavits before any judge or other magistrate, of what they know concerning ye subject matter of ye sd. complaints, and that such judge or magistrate be likewise injoynd to summon such persons, as the complainants respectively shall name, in order to give their testimony in this affair. Mr. Burrington is further directed, to interchange with you, true copies of the proofs and affidavits, so soon as they shall be made, which you are likewise to observe on yor. part and that twenty days be allow'd to make his, and yor. reply ; by affidavits or otherwise, to be in like manner interchangeably communicated to each other, and afterwards transmitted hither without loss of time. [*C.O.* 5, 323. *ff.* 59 *v.*, 60.]

Aug. 23.
Whitehall.

357. Mr. Popple to Governor Philipps. *Encloses* copy of Col. Hart's petition for some land in Nova Scotia, " upon which my Lords desire your opinion as likewise your answer to the following questions *etc.*

1. Whether the tract of land petitioned for by Col. Hart is at present inhabited ?

2. Whether a settlement there would be of service to the Province and

3. Whether it may be for the King's service to grant it in the manner desir'd. [*C.O.* 218, 2. *p.* 255.]

Aug. 24.
Whitehall.

358. Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before Her Majesty. *Autograph signatures.* 1 *p.* *Enclosed,*

358. i. *Same* to the Queen, Guardian of the Realm and H.M. Lieutenant within the same. In obedience to H.M. commands, 21st July last, *represent that*, We have been attended by Mrs. Jones, *etc.*, and have likewise made enquiry concerning her, of several persons engaged in the trade to Virginia, from whom we learn that Mrs. Jones does bear a fair character in that Province, and

1732. [358. i]

that she hath lived many years in Major Fitzhugh's family, agreeable to what is advanced in her memorial. We beg leave upon this occasion to represent to your Majesty, that it is the general opinion of all persons who have resided in Virginia or traded thither, that in all probability there may be very valuable mines in the mountains of that Province: But with respect to the particular mine which is the subject of Mrs. Jones memorial, the description she has given of it, is conceived in such loose and general terms, that we do not find ourselves sufficiently warranted to advise that any measures shou'd be immediately entered into thereupon: except that it may be proper that your Majesty's orders should be transmitted to H.M. Lt. Governor of Virginia, to make the best enquiry he is able into the allegations of Mrs. Jones's memorial, and transmit an account thereof to us, from which we shall be enabled to make a further representation to your Majesty upon this subject. *Autograph signatures.* 3 pp. [C.O. 5. 1344. Nos. 8, 8 i.; and 5. 1366. pp. 89-91.]

Aug. 25.
Fredericks
Fort.

359. Col. Dunbar to Mr. Popple. Haveing had an opportunity from hence by way of Dublin I did myself the honour to write to ye on the 9th of July, since which Governour Belcher in H.M. ship *Scarborough* passed by and landed at Georges River to ye eastward of this place and thence returned to Casco to meet the Indian tribes as I mentioned in my last: about 130 of them from Penobscot called here goeing and comeing; I made hard shift to entertain them and to give them some provisions for their voyage; they were better pleased than I expected, but put me in mind that they told me they expected some presents, several of them sayd that Governor Belcher told them I had no busyness here and should soon be ordered away, but notwithstanding his presents I am sure I have a better interest with ye Indians than the Massachusetts people. I have been long in hopes of receiveing some letters from the Offices but have the mortification to be disappointed, haveing received not one publique letter since yours with the Commission for New Hampshire, but one from you of ye 17th of November last, promising H.M. determination upon the disputes between Governor Belcher and me, but I am not so happy yet as to know anything of that matter, without which I cannot go to New Hampshire; that honest little Province suffers much in many things, besides the encroachments from their neighbours, but as they have sent home a gentleman from their House of Representatives with the like character as Mr. Belcher carried to England, he will lay their grievances before my Lords, so that I need say no more of them, than that I would serve them if I could. The small addition to the party from Governour Philipps's regiment, promised me by Collonel Armstrong in Aprill last is not yet arrived, and as they were ordered from Canso, it is possible they may be countermanded upon a report from thence of six French men of warr at Lewisburg on the Island of Cape Britton,

1732. [359]

full of Jews to settle the Island of St. Johns in Bay Verte on the back of the bottom of the Bay of Fundy, which is already planted onely with French, who will supply and maintain this new intended settlemt. of St. Johns with bread, corn and live cattle if not prevented, as I proposed against Cape Britton in some of my former letters : the French encroaching on our fishery and thus spreading themselves (in my opinion) upon a place not belonging to them, may be worthy of consideration : I think I complained that the French Governour at Quebeck takes upon him to give commissions to the Indians in this country and makes them believe that they and the French men settled among them are subjects of France : he may perhaps deny this, but I myself had in my hand and read a Commn. from Mons. Bournehois the present Governour of Quebeck, dated 7 ber last to the Chief of the Penobscot tribes, as such, and enjoyning obedience from the rest, accordingly this may prove of dangerous consequence in time and I dare say that Governour Belcher does make the same representation with me, about ye Commission, and that the said Indian Chief in vertue of it carryed a white flagg in his cannoo even before H.M. Ship *Scarborough* who I hear made the Indian strike that flag : in some of my former letters I told you that several French men are lately come from Canada and settled so near this place as Penobscot they can pretend to noe right there tho' by the Treaty of the late Queen's peace the then French inhabitants in Nova Scotia are to enjoy the lands they possessed, which they will suppose to include all Nova Scotia, for their numbers increase fast, and settle the lands claimed by them ; so that it is impracticable ever to make any English settlements near Annapolis or about the Bay of Fundy because all the land yt is good for anything is in the French's possession or claimed by them. General Philipps is in London I presume he can vouch the truth of this and that some of them even demand a rent for the grownd on which the Fort of Annapolis stands. I would have been better able to have given my Lords Commissioners an account of the French settlements in those parts if I had had a vessel to attend me, I can do little of what I would endeavour, without one, but that service will be reserved for some man of better interest. I would also try to keep this side of Penobscot under H.M. subjection if I had that vessel, the soldiers that must unavoidably be here, if this settlement goes on and a few presents for the Indians ; this proposed expence is a trifle in comparison of a warr with them and I believe one of them must be ; and if I am not thus enabled to do the duty required of me, it is really to very little purpose to continue my employments. As to the woods, my deputys and I meet with so much discouragement from the Judge of Vice-Admty. as encourages the loggers, who treat us with scorn. I have so often mentioned this that I am unwilling to say more upon it. I have long been in hopes of a new Act of Parliament for preservation of the woods, and proposed some amendmets to ye last, I would beg leave to refer to my letters not having any assistance, nor able myself to keep copys of them, and that makes me too often make repetitns. of my

1732.

[359]

letters : I now beg leave as well as I can recollect, that in some of them I represented that tho' ye *onus probandi* lyes upon the claimer of the loggs, the proof as to the time when cut, lyes upon the King's Officers, and as the woods are very extensive, it often happens that numbers of trees cut down are not discovered sometimes in a year, and then all penaltys are evaded. Imprisonment of offenders is no longer for 100 or any number of trees than for one, and by ye Advocate General's opinion sent home upon Norris's case real estates are not lyable to fines, and if they were they evade the law by sham conveyances. The best place to seize logs, is at the mills, but when they are there it is impossible for the officers to prove when they were cut, nor whose they are, therefore the time as well as place should be proved by the owner of the mills, or the logger, if he can be discovered. All saw mills, and the owners names, scituation of the mills, and loggers' marks on their logs, should be registerd, and such owners of mills made lyable to the prosecuted as aiding and assisting in cutting or destroying trees or changing their registerd marks, and if among the penaltys, the forfeiture of the saw mill to H.M., with power after such forfeiture to pull it down or burn it was made one, it would terrifye the owners more than pecuniary penaltys, and that no mill shal ever, or in a long term of years, be built in, or near ye same place. A power to seize boards or planks at the mills, or place of shipping, or on board any vessel at or near the place of shipping, until due proof be made of the logs being cut within the meaning of the Act. I believe I have proposed some other expedients wch. may seem harsh, but my experience has convinced me that ordinary remedys will never avail against such evils as are everyday practised : the people openly shew all the contempt in the world to the King's officers, and well they may, when they are to be tryed by their own friends equally as guilty as themselves, as the present judge is interested wth. Doctor Cook in mills on Saco River. In several of my letters I have represented that the undertaker for the masting has and does carry on a greatr. lumber trade than any man in N. Engld. He has 5 mills and continually at work ; his lycence for cutting masts, directed to me, comds. that I suffer him to cut no more nor no other trees than what are mention'd in the contract, yet when I have forbid him he complain'd yt. I hinder the King's Service, and he is better heard at home than I am. Among other irregularitys I refer to the following copy of an original in my hands, vizt. " This is to give publique notice to all persons that there is to be sold by me the subscriber at an outery at the house of John Phinney, a certaine pine tree on the first of March next, said tree was delivered to the subscriber by Collo. Thomas Westbrook to pay said Westbrook's rates. *Signed*, Robert Maynes. Falmouth in Casco Bay, Febry. 9th, 1731." One of the persons employed by me to look after the woods in the absence and sickness of some of my Deputys, seeing the said advertisement, pulled it down, seized the tree, and delivered it to Collonel Westbrook, as appears by the return he made to me of his proceedings, a copy whereof follows vizt. " Falmouth, February the 26th, 1731/2. The above

1732.

[359]

mast tree was 34 inches diameter in the partners, 104 feet long, which was seized for H.M. use, in order to deliver to the Contractors. *Signed*, Pr. John Coy, Dep. Surveyr." Accordingly the said tree was received and shipd in board the New Hampshire mast ship and sent into England in part of the contract. It is hard upon me to see things done or suffer 'em contrary to H.M. express commands to me, and to complain of it without any answer: in my humble opinion no man concerned in masting should be interested in said mills, nor any man so interested be either Judge of Admiralty, nor in any power, not even in the Commission of the Peace, because their authority encourages others to transgress. I see with pleasure that the House of Commons are upon entering on the consideration of the state of the Plantations in their next Session. New England particularly deserves their care, and I hope they will want noe informations to bring that growing country under a just obedience to the Crowne. I could wish it were my fortune to be in England at the same time. Since I sent you a printed paper, they have at Boston printed a letter which is said to be taken from an English print, relateing to the making hatts in America, and it is industriously whisperd about, that I am the author of it. I did not want such help to make me odious to the Comonality in New England, and really after it, it will be not very safe for my brother or me to appear among them: I am however glad to see that that letter has produced an Act of Parliament, which I believe will be renderd ineffectual by their sending wool and beaver and workmen to the Plantations where hatts have never yet been made, and to shew to my Lords how those people would blindfold the world, I send you one of their newspapers, on wch. their Lordships may remark: a good Surveyor General of the Customes would be able to checque their proceedings, but he will want ye countenance of unbyassed Governours; in his district he will be able to make discoverys worthy of notice, but after all, in my opinion, english acts will require english hearts and hands to enforce ye observance of them: it is incredible to see how little notice is taken of them here, I have heard Collonel Byfield the Judge of Vice-Admiralty say publickly on the Bench that the Act for preservation of the Woods was very severe and hard upon the people, and he confirmed his opinion by decreeing costs and awarding execution against the King's Officers, which was never done in England. The Deputy he made at New Hampshire is bed-rid, and I am told never will recover, he is also one of Mr. Belcher's new recommended Councillrs., his name is Gambling, and upon his incapacity Judge Byfield deputed Mr. Waldron, who refuses to act, so that no tryals can bee in that Province, I believe Mr. Waldron's refusing to act, is his opinion that Mr. Byfield had no power of deputation, as he never produced any Commission or quallified himself, as the Law directs, within that Province; I complained of his neglect and refusal to do soe this time twelve months, and of his abusing me in open Court when I put in him in mind that it was necessary and against the King's instructions to permit him or any officer to act, till duely quallified by takeing the oaths required by Act

1732. [359]

of Parliament, but I have had no notice taken of that complaint ; I am the more uneasy for want of letters because Mr. Waldo and his friends give out fresh reports in disfavour of this settlemt. and say that Mr. Wilks wrote he would p. next ship send an order for my withdrawing from this place, and dispossessing the new settlers ; for my own part I give no credit to such reports, but it strikes such a terrour into the poor people, and discourages others to come, that I cannot help being concerned at it. I will not take up more of your time now and my little stock of paper wh. I brought with me being just consumed ; if I write soon again, I must make use of bark of trees ; but I hope if some be not sent me, I shall be enabled to purchase some at Boston, I want all necessarys as well as paper, I do not mean for writeing, but for living and I have a great dependance on the recommendation of my Lords Commissioners for some allowances to discharge my incumbrances in this country. I beg you will lay this before their Lordships with my humble duty and earnest petition for their friendly offices. *Signed*. David Dunbar. *Endorsed*, Reed. 10th Oct., 1732. Read 5th Sept., 1735. 9½ pp. [C.O. 217, 7. ff. 130-134 v.]

Aug. 29.
London.

360. Governor Philipps to the Council of Trade and Plantations. Reply to Queries, 23rd inst. (*v. No. 357*). *Abstract*. Thinks the petition reasonable. (i) The tract is not at present inhabited. (ii) It would apparently be for the service of H.M. that a grant shoud be made, because the King would receive a quit-rent, instead of no benefit, as at present. (iii) It would be of very great service to the Province, for the tract of land serves now as a place of rendezvous for the Eastern and Western Indians, where they consult to do all the mischief they can to H.M. subjects in those parts. *Signed*, R. Philipps. *Endorsed*, Reed. Read 29th Aug., 1732. 1 p. [C.O. 217, 6. ff. 98, 103 v.]

Aug. 29.
Kensington.

361. Warrant [by H.M. the Queen *etc.*] for affixing the Great Seal to the commission of Samuel Mead, Commander of the ship *Royal Carolina* to seize pirates in the ports, and upon the coasts and seas of the Spanish West Indies *etc.* *Countersigned*, Holles Newcastle. *Copy. Annexed*,

361. i. Capt. Mead's Commission. *Copy*. [C.O. 324, 36. pp. 368-372.]

Aug. 31.
Whitehall.

362. Council of Trade and Plantations to the Committee of the Privy Council. Representation or petition of Col. Hart, referred 25th July. *Continue* :—We have no objection to that part of this petition wherein an exemption from quit rents is desired for the space of ten years, the like encouragement having formerly been allowed by His Majesty in other grants ; but as to what regards the amount of the Quit rent which shall be reserved to the Crown after the expiration of ten years, we cannot advise that it should be the same with that at present paid in Virginia, for altho' the quit rent in this last mentioned Province is no more than two shillings p. ann. upon a hundred acres of land, yet there

1732. [362]

is likewise a duty of two shillings payable to His Majesty upon every hogshead of tobacco exported from Virginia, which is a very considerable addition to the King's Revenue there. And as it is very uncertain whether the product of the intended settlement may at any time hereafter be able to bear a duty of this kind, we are of opinion that the quit Rent to be reserved from the lands which shall be granted in consequence of this petition should be three shillings p. annum for every hundred acres. And to prevent disputes that may hereafter arise in case any former titles should be set up to part of the lands contained in the district petitioned for: we would humbly submit to your Lordships whether it may not be proper that Coll. Philipps, or the Lieutenant Governor of Nova Scotia for the time being in his absence, should be directed to insert in the grant to be made a general saving clause for all previous rights. [C.O. 218. 2. pp. 256-260.]

[Aug.] **363.** Anne Jones, widow, to the Queen. Having come from Virginia with a loyal and sinceir intention of being serviceable to her King and Country by making a discovery of a silver mine *etc.* (v. 21st July) is now told she must await an answer from Virginia *etc.* (v. 24th Aug.). Has been at very great expence, and has sold the best of her clothes to pay for her passage and charges *etc.* Prays for some relief. 1 p. [C.O. 5, 1344. No. 9.]

[Aug.] **364.** Draft of a Circular Letter to the Governors of Plantations. My Lord Baltimore, Governor of Maryland, intending shortly to make a voyage thither, the Queen has directed his Lop. to inform himself in the best manner he can, of the present state of H.M. Colonies on the Continent of America: and it were to be wisht that you could conveniently have a meeting with his Lop., to whom you will in that case freely communicate whatever you shall think proper to be laid before H.M. for his information, and anything else that you may have to propose for H.M. service and the advantage of the Province under your Government. *Endorsed.* Not used. *In Mr. Delafaye's hand.* [C.O. 5, 1086. ff. 54, 55 v.]

Sept. 5. **365.** Warrant [by H.M. the Queen, Guardian of the Kingdom Kensington. *etc.*], appointing Theodore Atkinson to the Council of New Hampshire in the room of Joseph Smith Esq., who does not reside within the said Province. *Countersigned,* Holles Newcastle. *Copy.* [C.O. 324, 36. p. 367.]

Sept. 5. **366.** Warrants by H.M. the Queen *etc.* appointing Benning Kensington. Wentworth and Joshua Peirce to the Council of New Hampshire to fill two of the four vacancies *etc.* *Countersigned,* Holles Newcastle. *Copy.* [C.O. 324, 36. pp. 372, 374.]

Sept. 5. **367.** Council of Trade and Plantations to the Duke of Whitehall. *Enclose* following to be laid before Her Majesty. *Autograph signatures.* 1 p. *Enclosed,*

367. i. *Same* to the Queen, Guardian of the Kingdom *etc.* Representation of address and petition of Governor

1732. [367. i]

Jencks and other inhabitants of Rhode Island (*v.* 9th Dec., 1731). *Quote* opinion of the Attorney and Solicitor General, *supra*, that the Crown has no discretionary power of repealing laws made in that Province, but that the validity thereof depends upon their not being contrary to the Laws of England *etc.* *Continue* : This being the opinion of the Attorney and Solicitor General *etc.*, we do not at present see in what manner your Majesty can apply a remedy to the grievances complained of *etc.* It is evident on the other hand, that if the acts pass'd in the Assembly of Rhode Island can only be vacated by their containing something immediately repugnant to the laws of Great Britain, a very wide field is left open for enacting many things contrary to good policy and highly prejudicial to H.M. subjects, altho' they may not be so far inconsistent with the laws of this Kingdom as to admit of a reversal for that reason only *etc.* *Quote* opinions of Attorney and Solicitor General upon Governor Jencks' three Queries (*v. supra*). *Autograph signatures.* 5½ pp. [*C.O.* 5, 1302. ff. 12, 14-16 *v.* ; and 5, 1294. pp. 57-62.]

Sept. 6.
Whitehall.

368. Council of Trade and Plantations to the Committee of the Privy Council. In reply to 25th July, enclose following, 368. i. Draft of H.M. Additional Instruction to Governor Johnson, requiring him "to give all due countenance and encouragement for the settling of the Colony of Georgia " *etc.*, and enclosing copy of Charter to be entered upon record *etc.* [*C.O.* 5, 401. 50-53.]

[Sept. 6.]

369. Mr. St. John to the Council of Trade and Plantations. The case of the patents granted to the Landgraves and Cassiques in South Carolina. The late Lords Proprietors granted to divers Landgraves and Cassiques upwards of 800,000 acres, mostly before 1700. The patents were granted *secundum tenorem fundamentalium nostrarum constitutionum*, according to which no Landgrave or Cassique had power to alienate or sell his barony (12,000 acres) after the year 1700. Not 10,000 acres of land were taken up or ascertained in the lives of the first patentees, but the said patents laid neglected till H.M. in 1721 took the Government of S. Carolina provisionally into his hands. At which time the heirs and assignees of the said Patentees made use of these patents and got into their hands vast quantitis of land *etc.* When the Lords Commissioners for Trade had under their consideration the settlement of Carolina they caused one of these patents granted to Sir Nathaniel Johnson, father of the present Governor, to be laid before H.M. Attorney and Solicitor General, who reported that it was absolutely void in law. This opinion was delivered together with the patent to the said Governor by the Lords of Trade. Notwithstanding which opinion the Governour, Council and Assembly passed an act, 1731, for *remission of arrears of quit-rents*, whereby amongst other things it is enacted that every person now

1732.

[369]

possessed of any lands, tenements *etc.* whatsoever in S. Carolina by and under any original patents *etc.*, shall from henceforth quietly and peaceably hold and enjoy the *same etc., etc.* If this act is confirmed it will be very prejudicial to H.M. interest, a great hindrance to the settling and strengthening the Province, and will tend very much to the disquiet of the inhabitants *etc.* (i) on these patents the Lords Proprietors reserved three several sorts of rent, on some a pepper-corn rent, on others one shilling per 100 acres, and a third sort was at a penny per acre, which rent of a penny per acre is reduced by the abovementioned act to 3s. 4d. pr. 100 acres. Now admitting that a third of the 800,000 acres are held at a pepper-corn, another third at 1s. pr. 100 acres, and the remaining third at 3s. 4d., the annual rents will not amount to £600 Proclamation money. If the same quantity of land was held under the Crown at the quit-rents now settled they would yield to H.M. £1600, so that, this act takes from the King at least £1000 *etc.* Much the least part of the patent lands are actually held at 3s. 4d. *etc.* (ii) A second very great inconvenience will arise to the Crown, for that the lands taken up and claim'd by these patents were never return'd or recorded in any public office *etc.*, so that it hath been in the power of the patentee to take up an indefinite number of acres *etc.* If a proper inquiry was made it can be proved that some of the patentees have sold double the quantity of acres granted by their patents besides what they themselves hold. And at other times that they have taken up pine land, and when they have worked up all the lightwood into pitch and tarr they have thrown up the pine and taken planting land in the room of it. And this act is artfully calculated to avoid the discovery of these practices by confirming titles to land taken up under patents by the survey of a sworn Surveyor, *or* certified into the Surveyor General's Office disjunctively. So that they make use of old surveys made in the time of the Lords Proprietors, very often formed from imperfect field works that have laid by for many years, and which they never return into the Surveyor General office, to be examined and certified. A third very great inconveniency will arise from confirming these patents, for that the patentees under colour of them have run out very large tracts of land on the frontiers near Port Royal and having taken up those lands chiefly between the time of H.M. purchase and the arrival of his Governour in Carolina, they have secured to themselves the fronts of the navigable rivers and picked out the choicest lands thinking themselves absolved from those rules laid down by H.M. Instructions *etc.* (*only $\frac{1}{4}$ th part of each tract to be on a navigable river*). By this means newcomers are obliged to take up the poor and back lands or to purchase of the patentees at exorbitant prices. H.M. by his Instructions for strengthening the country has been graciously pleas'd to direct that no person shou'd have more land than he is able to cultivate (to wit) 50 acres to each person, but by confirming these patents, H.M. intentions will be defeated, several of the patentees holding from 12 to 48,000 acres, which they have thus ingrossed with no other view than to sell them out at extravagant rates, The whole number of

1732. [369]

patentees are not above 30 persons, who by the sale of these lands will raise very large summes, and their private commodity and advantage is prefer'd by this act to the prosperity and welfare of the whole Province. The misfortunes arising from the establishing of these patents is yet more extensive from the sufferings of a number of poor people who have made small settlements and improvements and ventured their lives on the frontiers since the Indian warr in expectation of obtaining titles when they were to be granted, and now since H.M. purchase, when they have made their application that they might become tenants to H.M., they have found their lands run out by the patentees either before or since H.M. purchase, and they cannot for their reason obtain H.M. grants. And there are actually now several ejectionments depending in the courts of law brought by the patentees to turn these poor persons out of their possessions, to their utter ruin and to the weakning of the frontiers *etc.* For the reasons above-mention'd several persons have actually remov'd from the parts adjacent to Port Royal, and more are daily removing, and if it was not for H.M. Independent Company garrison'd there, 'tis believ'd those parts wou'd be intirely deserted. *Signed*, James St. John, Surveyor Genl. of South Carolina. *Endorsed*, Reed. (from Mr. St. John) 6th Sept., Read 6th Dec., 1732. 4 large pp. [C.O. 5, 362. ff. 134-136 v.]

[Sept. 6.] **370.** *Same to Same.* Observations on the proceedings of the Governour, Council and Assembly of S. Carolina concerning the granting of H.M. lands and the payment of H.M. Quit-rents (*v.* April 6th). With copies of report by Mr. Whitaker and several memorials by Mr. St. John thereon. *Endorsed as preceding.* 16 large pp. [C.O. 5, 362. ff. 137-138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 151 v.]

Sept. 6. **371.** Council of Trade and Plantations to the Committee
Whitehall. of the Privy Council. Duplicate of representation to King, Aug. 3, *mutatis mutandis* (cf. Aug. 3 and 16 *supra*). [C.O. 138, 17. pp. 374-378.]

[Sept. 13.] **372.** [*Mr. Ochs*] to the Council of Trade and Plantations. As yr. Ldsps. were pleas'd to appoint the 1st of February last for a hearing att ye Board of the objections which the Lords Baltimore, Fairfax, and the Proprietors of Pensilvania had to form against the settlement beyond the mountains of Virginy, it will be judg'd equitable to admit an answer to their complaints, which were elevated to a high degree *etc.* Petitioners had not the least intention to deprive them of a hand's breadth of land comprehended in their grants *etc.* Though for brevity sake the petition was in general terms for the wast land lying behind the sayd mountains, yet was accompanyd with a map impartially drawn *etc.*, in which they particularly avoyded to come near the borders of the Lords Proprietors, and as they judged that Pensilvania did reach farthest west, they took care to allow the full length thereof, and to petition only for that land which lay

1732. [372] beyond their limits westward *etc.* *Argument as to limits of Virginia, Maryland and Pennsylvania. No date or signature. Endorsed.* Recd. (from Mr. Oeks). Read 13th Sept., 1732. 2 $\frac{2}{3}$ pp. [C.O. 5. 1323. ff. 41–42 r.]
- Sept. 13. **373.** Council of Trade and Plantations to Governor Hunter. Whitehall. *Acknowledge* letters *etc.* of 15th and 20th Dec., 1731. 5th and 6th Jan., 19th Feb., 16th and 28th March, 14th April, 1st June, and 3rd July, 1732. *Inform him* of Representation of 6th Sept., concerning duties on negroes. *Continue* : What H.M. determination may be thereupon we don't yet know. However, we can't help observing that it was somewhat unlucky that you had not received a copy of our Representation upon which that Instruction (*v.* 10th Dec., 1731) was grounded, because we imagine you would not have given your assent to any act in direct opposition to an Instruction that we had proposed should be sent to you. We are glad to find by your letters that the two Independent Companies have been compleated from the two Regiments which have been lately broke in Jamaica, and that your parties have had such good success against the rebellious negroes wch. we hope may have a good effect, towards reducing the remainder to obedience. But we should have been well pleased to have received more distinct advices from you from time to time concerning the parties sent out against the rebel slaves, and that you would have sent us the same accounts you transmitted to the Duke of Newcastle and to the Secy. at War, the want of which advices has been the reason that we could not well tell what to write to you upon that subject, and has occasioned some delay in our answer to your letters. Mr. Pusey having formerly been left out of the Council of Jamaica for being in jayl, we desire you will let us know the present condition of that gentleman *etc.* [C.O. 138, 17. pp. 378–381.]
- Sept. 13. **374.** *Same* to the King. Propose Henry Dawkins for the Whitehall. Council of Jamaica, in place of Alexander Henderson. deed., *etc.* [C.O. 138, 17. p. 382.]
- Sept. 13. **375.** Council of Trade and Plantations to Lt. Governor Pitt. Whitehall. *Acknowledge* letters *etc.* of 12th Dec., 1730, 27th Jan., and 4th Nov., 1731 and 11th March, 1732. *Inform* of representation and order concerning additional salary in lieu of whale licences (*v.* 7th Dec., 1731), and of representation upon need of a ship of war and an Independent Company. *Continue* :—We presume before this time, that Company is returned to you. But we yet know of no directions relating to the stationship for the islands under your Government, and apprehend there may be great difficulty in obtaining one. [C.O. 38, 8. pp. 167, 168.]
- Sept. 13. **376.** Council of Trade and Plantations to Lt. Governor Gooch. Whitehall. *Acknowledge* letters *etc.* of 10th July, 1731, and 30th March and 27th May last. *Continue* : We observe by your letter of 30th March, that you have already allow'd some people to begin

1732. [376]

settlements, on the western side of the great mountains, upon a presumption that, that part of the Continent, is not enclosed within any of the grants made to the Lords Baltimore, and Fairfax, or of that to William Penn : and you very justly point out the advantage that may accrue to H.M. Plantations on the Continent, from such settlements, as they will prevent the French from making themselves masters of the great Lakes on the back of your Government. But as the Proprietors beforementioned have laid in their caveats against any grant to be made here of a tract of land in that neighbourhood for which a petition was some time since presented to H.M. and by him referred to us, we thought it proper to send you a copy of that petition upon which we have proposed to H.M. that the several bounds of the said Proprietors' grants be particularly ascertained by Commrs. to be appointed by them and the Colony of Virginia, before we can advise H.M. to grant the prayer of the said petition. We therefore send you a copy of our representation upon this subject, and of the objections to the claims made by the said Proprietors, and desire you will, as soon as conveniently may be, let us have your opinion upon this whole matter. *Enclose* copy of Mrs. Jones letter *etc.* and ask for information as to the truth of it (*v.* 24th Aug.). *Continue* :— We are told that this mine is at the Sucquehannah River, and that Dr. Watkins, who lives with one Jos. Smith in King and Queen County, Jos. Smith a chemist, Colo. William Beverly, Col. More in Carolina County, and Capt. Hawkins of North Carolina, are all concerned in this mine. You are therefore to send us the best account you can get of this affair, and as soon as possible. We are very glad to learn from you that the tobacco law has had a good effect, and we hope from your prudent management, a continuance of it. Tho' this was a point which was very much contested here, and we only advised H.M. to let that law lye by probationary upon the confidence we had in your judgment upon it. So we bid you heartily farewell and are your very loving and humble servts. *etc.* [*C.O.* 5, 1366. *pp.* 92–94.]

Sept. 16. **377.** Memorial and remonstrance of Nathaniel Rice Secretary, and John Baptista Ashe two of the Council, and John Montgomery Attorney General and Deputy Inspector and Controller General of H.M. Province of North Carolina, to the Duke of Newcastle. *Abstract* :—*Offer their* reasons for taking this method of representing the state of the Province *etc.*—Governor Burrington, conscious that his proceedings have been most arbitrary and illegal, has used his utmost endeavour to prevent a true state of this Colony being exhibited to his Majesty, not only by refusing to call Assemblies, whereby the people might remonstrate in a Parliamentary way, but also by his arbitrary acting and artful management in Council, in concert with a few members of his own appointment, and by means of a Deputy Secretary a creature of his, *etc.*, he has so mutilated, alter'd, perverted and misrepresented things in the Journals of the Council, that scarce any affair transacted at that Board appears in a true light *etc.* They therefore represent, and pray to his Grace to represent to H.M., (i) His

1732.

[377]

arbitrary exercise of power respecting proceedings in Council, and (ii) relating to the Courts of Justice. (iii) His arbitrary proceedings relating to the disposition of the King's lands. (iv) His disrespect to and insulting and abusing the King's Officers and others. (v) His illegal and arbitrary actions relating to the extorting moneys from the King's subjects. In support of these charges, the memorialists allege that the Governor has assumed the power of acting and voting as a Member of Council, distinct from his power of Governor, and altered and rased bills on their readings in the upper house without consulting the Council, particularly a bill appointing circular Courts. When objection was raised, he flew into a passion *etc.* He left out of the Journal an order of the Council appointing Justices of the Peace and substituted another when only three members were present. He appointed Mr. Lovick and Mr. Gale to the Council on a pretended emergency, two only being present and one of them objecting that it was contrary to H.M. 7th Instruction *etc.* He has exhibited charges in Council against certain gentlemen, compelling them to travel 200 miles in winter to answer them, and refused to enter their answers in the Journal, thereby preventing several arbitrary and illegal proceedings of his, in such answers set forth, coming to the notice of His Majesty. Such were the cases of Maurice Moore, Jno. Porter, Edwd. Moseley, Jno. Bapa. Ashe. On receipt of a private copy of Mr. Smith's complaint to H.M., he has examined witnesses *ex parte* in Council and abused those refused to stand such an inquisition, calling them rogue and rascal *etc.* (ii) As to the Courts, he has made Chief Justice a man whom he described as the greatest rogue in the country, and who is unskilled in the law and in all respects unqualified, and four Assistant Justices, one of whom can neither read nor write *etc.* He frequently appears in the Courts to influence them, openly directing the Court *etc.* He has forbidden the General Court to admit any person to plead there but such as shall obtain his licence, although there is no law requiring such a licence. When Mr. Moseley defended some persons indicted by his means, he came down out of the gallery, where he and his Lady appeared to influence the Court and Jury, and ordered him to be committed to prison. On another occasion he also ordered him to gaol on his verbal order, and also Dr. George Allen, declaring that he has power to commit any person to prison without cause shewn for twelve hours *etc.* Mr. Moseley has practised near 20 years, has been five or six times Speaker and a Member of Council and Surveyor General *etc.* He insults and abuses the Attorney General and consults his favourite, William Little, on all occasions relating to the King's business, though there are many notorious complaints against him for injustice done *etc.* Claiming some lands for which Mr. Porter had a patent and on which he had built, he burned his tenant's house *etc.* He seized seven negroes brought into Cape Fair River and sold to sundry persons, on the report that they were stolen from the Spaniards, set them to work on his own plantation, and refused to restore them when the Governor of St. Augustine applied for them. The inhabitants

1732. [377]

of Cape Fear River dread reprisals by the Spaniards, there being no protection for that young and exposed settlement *etc.* (iii) He makes grants of lands in undue proportions without consulting the Council, and exacts 2s. 6d. for every acre he signs for, which he required to be paid in silver or gold, which can only be procured at double or treble its value in currency *etc.*, so that people cannot take up their lands *etc.*, or are thrown out of possession to the detriment of the King's revenue and the settlement of the Province. *Cases quoted.* (iv) He insults the King's Officers. *Cases* of Mr. Smith, Chief Justice, and Mr. Porter, Member of Council, and the Attorney General, *quoted.* (v) He extorts money, as in the case of fees on foreign deckt trading vessels, causing his Secretary to demand £13 15s. in paper currency instead of £3 6s. paper currency fixed by the Act for *ascertaining Naval Officer's fees etc.*, pretending that it is H.M. commands that all officers' fees be paid in silver money *etc.* The badness of the inlets is discouraging enough to merchants, but the increase of fees, amounting to 8s. per ton on vessells trading to the Province, is so very extravagant that merchants of New England and elsewhere have forborn trading hither *etc.* *Quote* a case of extortion from a poor old man, Lewis Johns, threatening to have him tried again for manslaughter, after he had been acquitted. He exacts £5 instead of 20s. paper currency fixed by act of Assembly for marriage licences, and grants them without enquiry or security, exposing them to sale at public houses *etc.*, so that many young people are married without their parents' consent *etc.* *Pray* His Grace to represent these matters to His Majesty *etc.* *Set out*, N.C. Col. Rec. III. p. 356, *etc.* *Signed*, Nathaniel Rice, Jno. Bapta. Ashe, John Montgomery. *Endorsed*, R. 11th Jan. 12 large pp. [C.O. 5, 306. No. 22.]

Sept. 16. **378.** *Same* to the Council of Trade and Plantations. *Duplicate of preceding, mutatis mutandis.* *Endorsed*, Recd. 10th, Read 16th Jan., 1733. 11½ pp. [C.O. 5, 294. ff. 29-34 v., 35 v.]

[? Sept. 16.] **379.** *Same* to *Same*. Memorial similar to preceding. *Endorsed*, Recd. 15th Feb., Read 3rd April, 1733. 21 pp. [C.O. 5, 294. ff. 55-65 v.]

Sept. 17. **380.** Mr. Popple to [Mr. Fane. *Encloses* for his opinion 8 Acts of the Massachusetts Bay, (i) granting to H.M. several rates and duties of impost and tonnage ; (ii) *further to exempt persons called Quakers from being taxed for support of Ministers ;*] (iii) *for payment of the Members of Council and Representatives ;* (iv) *to prevent persons concealing the small-pox ;* (v) *in further addition to an act for the relief of idiots etc. ;* (vi) *authorizing Commissioners to determine the western boundary of that part of this province, formerly the Colony of Plymouth, and the Colony of Rhode Island adjoining ;* (vii) *for supplying the Treasury with £3,800 for the payment of Frans Wilks as Agent etc. ;* (viii) *for making a new town in the county of Worcester, by the name of Dudley.* (Parts between square brackets represent the Editor's conjectural restoration of a page missing from MS. book.) [C.O. 5, 917. p. 67.]

1732.

Sept. 18.
New York.

381. Governor Cosby to the Council of Trade and Plantations. I have the honor to acquainte your Lordshps. of my arrivall to this place, the Assembly is now asitting, so soon as they are upp. I will not faile by the first shipe that goes for England to send all the acts *etc.* Has just received their letter with a copy of Capt. Burrington's. *Concludes* : I will imediatly write to ye Commissioners for the Indian affairs to consult with ye five nations in order that they may interpose, and will doe every thing that I cann in that affaire. I am my Lords with the greatest respect imaginable your Lordshps. most obediant humble sevant. *Signed*. W. Cosby. *Endorsed*. Reed. 6th Nov.. 1732. Read 13th Aug.. 1734. *Holograph*. 1 p. [C.O. 5. 1056. ff. 135. 140 r.]

Sept. 18.
New York
in America.

382. Richard Bradley to the Duke of Newcastle. Being well assured that Mr. Sherley of Boston, has endeavour'd to get my office of Attorney General on a groundless report of my death *etc.* I humbly intreat your Grace that I may not loose my office, as long as I behave myselfe in it, unblameably ; which your Grace, I doubt not, is satisfyed I have done, on seeing the late Governour and Council's recommendation of me *etc.* *Continues* : As this office was given me for the support of my family (vizt. my wife and seven children) upon our hard fate in the general calamity of the South Sea, and in consideration *etc.* of my constant efforts at no small expense, and hazard, to serve the interest of H.M. Royal Family *etc.*, and the office scarce affording my poor family the very meanest necessarys of life (I have no salary ; nor in many cases any fee *etc.*, especially where the publick is concern'd) ; and as my poor family must certainly perish *etc.*, I therefore hope for *etc.* your Grace's favour and protection. *Signed*, Richd. Bradley. *Holograph*. 2 pp. [C.O. 5. 1093. ff. 248, 248 r., 249 r.]

Sept. 19.
Whitehall.

383. Mr. Popple to Mr. Fane. Encloses. for his opinion in point of law, 13 acts of Jamaica. 1731. 1732, (*enumerated*). [C.O. 138, 17. pp. 383-387.]

Sept. 19.
Whitehall.

384. Mr. Popple to Mr. Fane. Encloses for his opinion in point of law 17 Acts of N. Hampshire, 1730-32 ; (i and iv) Acts *adjourning the Court of General Quarter Sessions* ; (ii) *emitting £1300 bills of credit* ; (iii) *settling a salary of £200 sterl. or £600 province bills per annum on Governor Belcher etc.* ; (v) *for emitting £700 paper bills* ; (vi) *in addition to the Act for inspecting and suppressing disorders in licensed houses* ; (vii) *appointing Commissioners to settle the boundaries between H.M. provinces of New Hampshire and the Massachusetts Bay* ; (viii) *in addition to the act for regulating fees* ; (ix) *for removing three of the Courts of General Quarter sessions of the Peace, and inferior Court of Common Pleas from Portsmouth to Exeter. Hampton and Dover* ; (x) *directing the method of collecting rates in Chester, Notingham and Rochester* ; (xi) *to exempt the people called Quakers from gathering the rates for the Ministers of other perswasions* ; (xii) *to revive the sitting of the Superior Court etc., which ought to have sate the 2nd Tuesday in*

1732. [384]

Feb. last ; (xiii) to alter the time of the sitting of the Superior Court ; (xiv) to enable the proprietors of the neck of land in Dover called Hilton's Point to set up a gate at the entrance into the highway etc. ; (xv) for making that part of Dover formerly called Oyster river into a township by the name of Durham ; (xvi) granting unto H.M. an excise on several liquors ; (xvii) for a new proportioning of the Province tax to each town, parish and precinct. [C.O. 5, 917. pp. 68-70.]

Sept. 19. **385.** Mr. Popple to Mr. Fane. Encloses, for his opinion in
Whitehall. point of law Acts of Antigua, 1730, (i) *for raising a tax for paying the public debts etc.*, and (ii) *concerning the payment out of the publick Treasury for slaves executed and to be executed for treason, murther and felonies.* [C.O. 153, 15. p. 132.]

Sept. 19. **386.** *Same to Same.* Encloses, for his opinion thereupon in
Whitehall. point of law, four acts of Barbados, (i) *for preventing of excessive gaming, 1730 ; (ii) for laying an imposition on wines, 1730 ; (iii) for the punishment of runaway slaves, 1731 ; (iv) for laying an imposition on wines, 1731.* [C.O. 29, 15. p. 302.]

Sept. 20. **387.** Mr. Popple to Lt. Gov. Dunbar. My Lds. Commrs. for
Whitehall. Trade and Plantations have consider'd your sevl. letters to me, relating to ye disputed title to ye lands to ye Eastward of Kennebeck, but as ye Attorney and Solr. General have given their opinion that, that tract of land belongs to ye Massachusetts Bay, my Lords have nothing to add upon yt. subject, and more especially since your brother will give you a particular acct. of what has happen'd since his being in England. My Lords have consider'd what you have wrote agt. ye proceedings of ye Judge of ye Admiralty ; But as that matter is more properly under ye inspection of ye Lords of ye Admiralty, I have sent copies of what you have wrote to them. In answer to that part of your letter of the 26th of May last, wherein you say, you judge my having told you, that my Lords desire you would be punctual in your correspondance ; was meant as a rebuke for your frequent writing and menconing things not belonging to you, because no notice is ever taken of them, I am to acquaint you, yt. no such rebuke was intended ; so far from it, My Lords only recommended a continuance of your punctual correspondence, and altho' particular answers may not have been made to every paragraph of your letters, it does not follow from thence, that no notice has been taken of what you have said. [C.O. 5, 917. p. 71.]

Sept. 20. **388.** Governor Hunter to the Council of Trade and Planta-
Jamaica. tions. *In reply* to letter of 16th June, transmits duplicate of answers to former queries, "there having been since then no laws made, manufactures set up, or trade carry'd on in this island which can in any wise affect the Trade, Navigation, and Manufactures of the Kingdom of Great Britain, and I shall not fail annually to transmitt returns to the Queries" etc. *Sends* duplicate of acts passed last session and of Journals and Minutes

1732.

[388]

of Council and Assembly. *Continues* : - Our partys have been frequently out in pursuitt of the rebel negroes and almost as often oblig'd to return within half the time propos'd, occasion'd by the great rains and floods which have been continued in those parts for some time pass'd, but by the advices I have rece'd. from the partys, the rebels must be dispers'd and many of them in great distress ; one of our partys came up with a new settlement begun by a party of the rebel negroes who were lately dispossessed of their chief towns, took one woman and six children, the rest escap'd in the woods. The woman who was born in one of the rebellious settlements and speaks good English, relates that soon after our partys had taken their chief towns the rebels were in great want of provisions, and had many disputes amongst themselves whether they should keep in a body or divide, they resolv'd on the latter, and deviding into three partys took as many different routs, and I believe some of them have found a way thro' the mountains to the westward of the island, for there has lately been discover'd a large settlement with a very considerable body of those rebels in it in the parish of St. James, which has alarm'd the people in those parts very much ; Three different partys have been sent out against them and have been forced to return with little or no success, but a stronger is now sent out and I hope will be able to distroy the settlement and come up with some of that gang which if the advices I have rece'd. from the partys that have march'd out against them be true must consist of at least a hundred bould resolute fellows. About three weeks ago thirty-one negroes belonging to John Morant Esq. of the parish of Clarendon left their master's plantation and taking their field implements along with them into the woods declar'd they should be follow'd by many others and bid defiance to any strength that could be sent to reduce them to obedience. A party of thirteen shott was sent after them and having march'd to the river Minus discover'd the negro gang on the other side, who, perceiving our party to consist but of a small number endeavour'd to cross the river to engage it, but were receiv'd by a brisk fire which kill'd five and wounded eight, the rest escap'd for that day and the next surrender'd themselves, which news was the more acceptable as the gentlemen of that parish began to be apprehensive by the beheavour of their negroes that that secession might draw with it a general insurrection of all the negroes therabout. A defensible house or barrack capable to lodge fifty men at the great negro town (as it is call'd) lately taken is finish'd all to the roof, and the other at Cotter Wood agreeable to the act of the 6th of May last will be begun in a short time, so that the new settlers in the North East parts begin to think themselves secur'd from any attacks of the rebels. I have been oblig'd to give leave to some of the negroes belonging to our partys who have been of the most service against the rebels to go home for a fortnight at the end of which time they are to return to their duty and to go out again in pursuitt of these rebels slaves, and as there are partys constantly fitting out from most parts of the island in pursuitt of them I can make no doubt but in a short time the greater part of them must be

1732. [388]

reduced to the necessity of perishing or surrendering themselves. The fort and fortifications at Titchfield have gone on briskly of late and are within a few months of being finish'd. and the town is much increas'd with inhabitants *etc.* *Signed*, Ro. Hunter. *Endorsed*, Recd. 21st Dec., 1732. Read 28th June, 1733. 5 $\frac{3}{4}$ pp. [*C.O.* 137, 20. *ff.* 103–105 v., 108 v.]

Sept. 20.
Jamaica.

389. Governor Hunter to the Duke of Newcastle. I have the honour to acquaint your Grace that notwithstanding the rains and floods which for some time pass'd have been continued in the North East parts of this island, our partys have been frequently in pursuit of the rebel slaves, and tho' they have not met with the success which could be wish'd for, the rains and floods before mention'd hindering their pursuit, yet they have destroy'd several of their settlements, and if their advices be to be rely'd on, the rebels in those parts must be reduc'd to very great distress, and want of everything : and as partys are now fitting out from most parts of the island, I hope I shall soon be able to transmitt a good accot. of their success, and in the mean time beg leave to referr to the *enclosed etc.* My present very bad state of health and the winter season coming on, and the present nice situation of publick affairs here, makes it impracticable for me to think of making use of the licence H.M. has been most graciously pleas'd to indulge me with, till some time in the spring *etc.* *Signed*, Ro. Hunter. *Endorsed*, R. Dec. 22. 2 pp. *Enclosed*, 389. i. Copy of H. to C. of T. 20th Sept., preceding. [*C.O.* 137, 54. *ff.* 100, 100 v., 101 v.–104.]

Sept. 26.
Charles Town
in South
Carolina.

390. W. Frewin to the Duke of Newcastle. May it please your Grace, to permit me to lay myself at your feet and return your Grace my most unfeigned thanks for the honour you did me (at Brigadier Churchill's request) by recommending me to the protection of Governour Johnson and for your Grace's further goodness in condescending to desire him not only to favour and encourage me in the way of my profession, but to place me in the first vacant office he should find me capable of. This recommendation of your Grace I shall ever count a solid glory, it having gained me esteem and respect from every one that hath heard of it but the Gentleman to whom it was directed *etc.* *Complains* that on reading his recommendatory letter and another from the Lords of Trade, the Governor "said in an odd manner, there were a number of my profession here already and that the people at home had taken care to let him have very little trouble in the disposal of places and from that time to this hath not taken the least notice of mee " *etc.* Has, however, a tolerable good prospect of succeeding in his profession, but will be grateful for any favour from his Grace *etc.* *Continues* : His Excellency *etc.* seems determined to ingross and resolve (if possible) all the offices (as the same shall fall) into his own family. Of which with respect to the Navall Officer's place, that of the Clerk of the Council and the publick Vendue Master he hath given us very lately a specimen. In the first of these offices he has placed a gentleman in trust for

1732. [390]
a nephew of his (one Capt. Broughton), and the other two are occupy'd by a domestick of his (as it is said) for his Excellency's own emolument *etc.* *Has from* his childhood heartily espoused the interest of his Majesty *etc.* and the present administration. *Concludes*: That his Majesty and his royall race may reign over us till time shall be no more and that we and they may never want a Duke of Newcastle to be near their persons shall be the constant prayer of *etc.* *Signed*, Will. Frewin. *Endorsed*, R. 26 Decr. *Holograph*. 2 pp. [C.O. 5. 388. ff. 47, 47 v., 48 v.]
- Sept. 28. **391.** Order of King in Council. Approving draught of
Kensington. Instruction to Governor Johnson concerning Georgia. (*v. supra* Sept 6th). *Signed*, W. Sharpe. *Endorsed*, Recd. 28th Oct., 1732. Read 4th May, 1733. 1½ pp. [C.O. 5. 362. ff. 152, 152 v., 157 v.]
- Sept. 28. **392.** Order of King in Council. *Ordering*, after citing Mr.
Kensington. Worsley's Memorial and Attorney General's opinion, that in case the arrears of the duty be not paid to the Treasurer of Barbados on or before 1st July next, then H.M. Attorney General of Barbados do cause proper suits to be commenced against all persons liable to pay any such arrears, and do take the most effectual methods for the speedy recovery and application thereof, to the uses directed by the said act. (*Cf.* A.P.C. III. No. 179.) And that no person may pretend ignorance hereof. H.M. doth hereby require that, this order be forthwith published and entered upon record in the said island, and the Governor *etc.*, Attorney General there and all others whom it may concern are to take notice, and yield due obedience hereto, as they will answer to the contrary. *Signed*, W. Sharpe. *Endorsed*, Recd. 28th Oct., 1732. Read 4th May, 1733. 5½ pp. [C.O. 28, 23. ff. 75-77 v., 78 v.]
- Sept. 28. **393.** Governor Johnson to Mr. Popple. Inclosed is a letter
Charles Town. to their Lordships (No. 394). Mr. Fury has sent me a copy of a Memorial Mr. Lowndes told him he intended to prefer against me the copy of which I inclose, I am astonished at the impudence of the man, in asserting I did not recomend their Lordships' orders to the Assembly relating to the Summons Law, which upon my honour I did, and the Commee. of both Houses appointed to correspond with Mr. Fury do by this conveyance testify the same to him; and his assertion that I appointed a creature of my own Marshal, and made it a perquisite of my Government is as false. I have no other concern about the consequences of these false representations, but that they may have made some impression to my disadvantage on you, as not knowing the truth, but I do assure you I have always so great a regard for your friendship that I am incapable of doing anything to forfeit it, and that however he may have represented to you the affair of the Marshal the fact is as I have represented to their Lordships. and what I did for the unfortunate man Mr. Bamfield was in pure respect to you, for I believe you will allow I did everything to serve him; the Commee. does likewise tell me they touch this affair in their letter

1732. [393]

to Mr. Fury. I am under the greatest affliction for the loss of the best of wives, and a son.

P.S. The ship this packet comes by being to touch at Dublin to take in a pilot for Liverpoole, I did not think proper to send the Lords the journals of the General Assembly by that conveyance, but shall not fail doing it by the first safe opportunity. I send you inclosed a list of several papers, in which you will find a Minute that will better satisfy you, that the Lords' letter relating to the Summons Law was sent by me to the Lower House of Assembly, the list is writ by the late Clerk of the Council. I know it to be his hand, and the present Clerk of the Council who knows his writing and hand very well, has attested it as such. *Signed*, Robert Johnson. *Endorsed*, Recd. 22nd Dec., 1732, Read 27th Aug., 1735. $1\frac{1}{2}$ pp. *Enclosed*,

393. i. List of papers sent by H.E. to the Lower House of Assembly, 10th Aug., 1731 (*v. preceding*). *Signed*, Jesse Badenhop, Cl. Con. 6th Oct., 1732. 1 p.

Sept. 28.
Charles Town.

394. Governor Johnson to the Council of Trade and Plantations. My last was of the 2nd of June last. I think it my duty to acquaint your Lordships that since that, this town has been afflicted with a violent malignant fever which few have escaped, and in about two months time has carried off, 130 whites, besides a great many slaves; there are about 3000 souls in all the town, I thought it my duty not to quit the town in their extremity, and I have lost a son and 3 servants; hardly anybody who ventured to town from the country escaped it, and almost all of them dyed; it fell hardest upon newcomers; it is imagined it was brought in by a vessel from the Leeward Islands: thank God it is now almost over, but people don't yet venture to town from the country. This illness has made it impossible to meet the Assembly, so by advice of the Council I have prorogued them to the first Tuesday in November; it has put a stop to all publick business being transacted since my last. We have been allarm'd by two of our Indian traders having been killed near the Creek nation in their way thither, but that nation disavows the fact, and all our people who are amongs them are safe and civilly treated; we have not yet discoverd the murderers, but we apprehend it has been done by some Spanish Indians at the instigation of the Spaniards of St. Augustin, to terrify our traders from remaining at the Creek nation, that they may not have an opportunity of putting those Indians upon opposing the Spaniards building a fort and resettling the Province of Apelacha in that neighbourhood, out of which they were drove about 30 years ago in my father's Government of this Province; they have actually we are informd begun the building a fort there, 'tis the king's ground by right of conquest, but how far the not having kept possession will make it not so I leave to your Lordships' consideration. I have done all I could by my Agents among the Indians to induce them not to suffer them, but they have a party among the Creek Indians as well as we. I have an account from our agent Mr. Fury that your Lordships have been pleas'd to report to the Treasury against

1732.

[394]

H.M. confirming the Quit rent Act, but he has not given us your Lordships' objections so can say nothing upon that head, all I know is that it was obtained with much difficulty, that we judged it very much for H.M. service that the indulgencies shown relating to the confirming bad titles are of such a nature that would not hurt H.M. Quit rents £10 a year. I veryly believe, except the patents subsisting from the late proprietors for Landgraveships and baronys which people have purchased under and made large improvements upon, and think they have a right to: By Archdale's law which this repeals, and consequently reckon they gain no superiour advantage by this law, but on the contrary give up many they had by it, which law they design to fly to for redress if the Quit rent act is repeald, and I greatly fear will occasion great uneasiness, discontent, and confusion: if it be H.M. pleasure to let the law subsist, and to let me know what additions, explanations or alterations would be approved of, I should not despair of obtaining them, but by a repeal our duties are lost, provisions for new comers defeated, our debts unpayd, and all taxes left to be raised upon real and personal estates only which no colony does, and what I am afraid they will never come into: 'tis my duty to give my sentiments, but submit all to your Lordships' better judgments. I cannot help giving your Lordships, an instance of the hardships that would attend people: Mr. Lowndes for example had a grant for 5 baronys each of 12,000 acres, I am informd by some of the purchasers, that he has sold almost all the land, and has received 2500 or £3000 stg. for the purchase, and has been so cunning as to give no general warrants, so these people are left in the lurch, and Lowndes I hear is a great stickler against the quit rent law, he being now out of the question: and it will prove worse with many others, who have been at a great charge already in settling such lands. I beg leave to take notice that I have been so cautious as to confirm none of these titles, nor to grant warrants for surveying any lands upon them, till I know H.M. pleasure about the Quit rent law, so their titles remain hitherto for me, as they were, which caution I hope your Lordships, will approve of. I beg leave to observe that your Lordships, may remember that the Attorney General's opinion of those grants not being valid, was upon a grant of two baronys to my father which I find by seeing others are more deficient, than others I have seen, for mine does not so much as name in which Province it is, whether North or South Carolina, nor indeed any Carolina at all: from which I infer that perhaps if fuller grants had been shown to the Attorney General his opinion might have varied. I am in great pain for fear I should lye under your Lordships' censure, having had a copy of Mr. Lowndes' memorial sent me, which he told Mr. Fury he designed to prefer against me, setting forth that I did not obey your Lordships' orders in recommending to the Assembly the repealing the Capias Act, that I did is certain, and does appear by a message of the 18th of August 1731, which notorious falsity I hope will give him little credit with your Lordships for the future: he has also asserted that I have made the Marshal's place a perquisite of my government, which is likewise false. I found

1732.

[394]

Mr. Bamfield Marshal. I continued him till at his own request, as is notorious to all the Province. I appointed a person of his recommending, he telling me he desired to be dismissed, because his affairs required his going to England : and about six months after he told me he had altered his mind, and desired to be restored, which I granted him and he was lately unfortunately drowned ; I defy Lowndes to prove I had any profit by this, but did it only to serve a man I thought was worthy of the place, and one Mr. Popple had a friendship for : Mr. Lowndes has sent no exemplification of his patent, nor appointed any deputy, in the meantime the office must be supplied, so how I have wronged him above £200 as he has told my friends, I can't find out, nor he neither I am sure, 'tis very hard to have my actions so misrepresented, by one that has cunningly made this Province his property by the late Lords Proprietors' neglect, to the amount of £4000 or £5000 stg., nobody knows for what other merit than a consummate assurance, pretending to know everything, betraying everybody, and altering his opinion as often as he finds it for his interest : I find his malice to me proceeds from my giving your Lordships my opinion that the Assembly will hardly ever be brought to enforce the Summons Law, and I found it so when I sent to them about it : that law was disannulled before my time, I have no interest one way or other in it, 'tis my duty to give your Lordships my opinion of things. I obeyed your orders and recommended the repeal of it, but to no purpose, it now lyes with your Lordships to report as you please about it, but am sure your Lordships won't think a legislature of a Province is to pass laws they disapprove of, purely to serve Mr. Lowndes' interest, or because as he sets forth his interest is hurt : that is he won't have so good any opportunity of getting £1500 stg. which is his price for the Marshal's place, not intrinsically worth £700, and altho the Capias Law was repealed, the hopes of which keeps him from letting it, for fear of depriceating the sale of it ; for he is sensible that nobody that knows the value of it will give him above £50 or £60 a year for it. Governor Barrington has by letter desired a gentleman of this Province to advertize in the News Papers printed in Charles Town that all land on the north side of Wacamaw River, is by the King's Instructions in North Carolina Government, and whoever has a mind to take up lands there, must take out their grants in North Carolina ; your Lordships may remember how much he insisted at your Board to have all Wacamaw River the boundary of the two Governments, and that you were pleased to allow him but only 30 miles to the south of Cape Fair River, keeping the course of that river to the head thereof, but he now interprets the latter part of H.M. 110th Instruction his own way, waves the first part of it, and says because Wacamaw River does 100 or 200 miles from the sea come within 30 miles of Cape Fair River, that river is to be the boundary from the mouth of it ; I did twelve months ago by the advice of the Council write him word that we would send Commrs. to meet his and settle the boundarys, but he has not answered that letter and now desires the aforesaid advertisement to be published,

1732. [394] which makes it appear what he designs to insist upon, and I fear no boundary can be settled unless your Lordships please to declare that the intention of that Instruction is, that he shall have no more than 30 miles to the south of Cape Fair River : unless the mouth of Wacamaw River lyes within 30 miles of Cape Fair River, which it does not, for it is near 90 miles, and comes into Wyniaw Bay, as was made appear to your Lordships, by the map then before you, for the river keeps a course parrallel to the sea a great way and makes a great neck of land, which would bring his boundary into the bowels of our present settlements on that side the Province, therefore hope your Lordships will please to continue the intention of the Instruction, and let him and me know your pleasure. *Signed*, Robt. Johnson. *Endorsed*, Recd. 22nd Dec., 1732, Read 27th Aug., 1735. This lr. to be reconsidered with rept. to ye quit rent law. 5 pp. [*C.O.* 5, 364. ff. 146–148. 149, 150 v. (*with abstract*).]
- Sept. 28. **395.** Petition of Thomas Lowndes to [?]. Petitioner finding a clause in an act pas'd in South Carolina 1726 contrary to a maxim of the Common Law of England and the universal practice of every Colony in America, applyed to the Lords Commrs. for Trade *etc.* to have the same remedyed and their Lordps. wrote to Governor Johnson about it *etc.* But petitioner has not been as yet redress'd, nor likely to be, for tho' the Assembly was sitting at the time Mr. Johnson received the letter from the Lords of Trade and continued to do business for more than two months afterwards, yet that Gentleman did not communicate to the Assembly the order he had recd. but has made your Petr's. office a perquisite of his Government, and appointed a creature of his own to execute the place, who renders your petr. no account whatever. *Copy.* 1 p. [*C.O.* 5, 364. ff. 151–152, 153, 154 v.]
- Sept. 28. **396.** Order of King in Council. Confirming Act of Antigua
Kensington. *to enable Henry Lyons etc.* *Signed*, W. Sharpe. *Endorsed*, Recd. 28th Oct., 1732, Read 4th May, 1733. 1 $\frac{2}{3}$ pp. [*C.O.* 152, 19. ff. 145, 145 v., 146 v.]
- Sept. 29. **397.** Office expenses of the Board of Trade, Midsummer—
Michaelmas, 1732. *See Journal of Council.* *Endorsed*, 30th Sept., 1732. 6 pp. [*C.O.* 388, 80. ff. 58, 59 v.—63 v.]
- Sept. 30. **398.** H.M. Additional Instruction to Governor Johnson.
Kensington. *Upon application of the Trustees for establishing the Colony of Georgia etc.*, We have thought fit hereby to will and require you to give all due countenance and encouragement for the settling of the said Colony of Georgia, by being aiding and assisting to such of our subjects as shall come into our Province of South Carolina for that purpose according to Our gracious intentions declared in Our royal charter, a copy whereof is hereunto annexed, which We do hereby further require you to cause to be forthwith registred and entered upon record by the proper officers in Our said Province of South Carolina. *Signed*, G.R. *Copy.* [*C.O.* 324, 36. pp. 376–378.]

1732.

Sept. 30.
Whitehall.

399. Council of Trade and Plantations to the Lords Commissioners of the Treasury. Request payment of petty expences of the Office. Midsummer to Michaelmas, 1732. amounting to £268 19s. 10d., and of Officers' salaries £287 10s. [*C.O.* 389, 37. pp. 339, 340.]

Oct. 1.

400. Petition of the Mayor, Aldermen, burgesses and merchants, inhabitant in the town and County of Poole, to the Council of Trade and Plantations. Whereas by an Act passed the last session of Parliament intituled *An Act for encouraging the Greenland Fishery* it is enacted that for the space of nine years after the 25th day of December, 1731, it shall be lawful for any person to import whalefins, oil, or blubber of whales, seals' oil, and seals' skins taken and caught in the Greenland Seas, Davis's Streights or in any other parts of the seas adjoining or adjacent thereunto in British ships, whereof the Captain or Master, and one-third part of the marriners are British subjects without paying any custom, subsidy, or other duty for the same upon oath made by the master of the vessel importing the same of the truth of the requisites mentioned above. And whereas by the Preamble to the said Act it appears that this indulgence was given to that trade partly on account of its employing great numbers of seamen and ships, and consuming great quantities of provisions; and partly on account of bringing into this nation great quantities of oil, blubber, or other produce of whales, and seals and seals' skins; we your Lordships' petitions humbly crave your Lordships' opinion whether the same indulgence does not extend to all the like commodities imported from Newfoundland as the trade thither answers the same good purposes on which the said Act seems to be founded. And it appears by the Act, 25th Caro. 2nd Cap. 7mo., that the same encouragement was given to trade to Newfoundland as to Greenland, and the duties of the goods imported from either place were alike. We shou'd be glad to know your Lordships' opinion soon in regard our Newfoundland ships are dayly expected; or else that your Lordships would be pleas'd to communicate it to the Honourable Commissioners of the Customs, that they might order their officers here to allow us the benefit of the said Act if it appears to your Lordships that we are entitled thereto. *Signed*, Timo Spurrier, Mayor, and 20 others. *Endorsed*, Recd., Read 18th Oct., 1732. 1 large p. [*C.O.* 194, 9. ff. 168, 168 v.]

Oct. 4.
London.

401. (a) Agreement between William Houston, Dr. of Physick at the University of St. Andrews and the Trustees for establishing the Colony of Georgia *etc.* At a yearly salary of £200 for 3 years Dr. Houston agrees to go to such parts of America as the Trustees direct, and to collect plants to be sent to Georgia *etc.* Lord Petre having engaged to pay him £50 per ann., the Trustees will be discharged by paying him £150. *Signed*, William Houston.

(b) Receipt by *Same* for £75 for $\frac{1}{2}$ year's salary from Michaelmas. *Signed*, William Houston. *Copy* (*Entry Book*). [*C.O.* 5, 670. pp. 1, 2.]

1732.

Oct. 4.
Whitehall.

402. Mr. Popple to Governor Talbot. *Returns thanks* for the volume of the Connecticut laws sent 4th Nov. last. *Continues* : But my Lords Commrs. *etc.* observing by your letter that some of those laws have been altered since they were printed, it will be impossible for them to make any judgment of those you have sent, without seeing those also by which they were altered *etc.* *Desires* copies of these, and transcripts from time to time of laws passed for the future ; also an annual return to the Queries sent him, " that their Lordships may be enabled to make the proper representations to H.M. upon the state of your Government." [C.O. 5. 1294. pp. 62, 63.]

Oct. 4.
Whitehall.

403. Mr. Popple to Lt. Governor Gordon. *Acknowledges* letter of 31st May *etc.*, and acquaints him that the Board have laid before the Committee of Council the papers upon his dispute with Mr. Brown (*v.* 5th May, 27th June). *Concludes* : Notwithstanding the province under your Government is as you mention an inland country, and that few incidents may happen of consequence to H.M. interest, yet my Lords expect constant accounts of all transactions in the Province." [C.O. 5. 1294. pp. 63, 64.]

Oct. 4.
Salisbury
in St. Johns
Harbour,
Newfoundland.

404. Governor and Commodore Falkingham to Mr. Popple. *Encloses* following replies to his Instructions, for which he has taken all possible care to procure the best and most authentick intelligence *etc.* *Continues* : Upon my arrival, finding but one prison and that at St. Johns, and as the settlements are at so great a distance of 100 leagues, as your Lordships will see by the annexed scheme of the districts, where H.M. subjects are settled *etc.*, and as application hath been made to me for the erecting prisons within the several districts, the severity of the winter being such as makes it impossible to send offenders to St. Johns by reason of the ice, I therefore ordered a prison at Ferryland (for the district) one at Trinity, and a third at Bona Vista, with three round houses, one at Trepassy, one at Bay Bulls, and one in Conception bay, under such restrictions as the law directs, there being no place to secure capital offenders, but in St. Johns, where at this time is one for murder, who I shall send with proper witnesses by H.M.S. *Dursley* gally, to be prosecuted, as the Act directs *etc.* *Signed*, Edwd. Falkingham. *Endorsed*, Recd. 21st Nov., 1732, Read 9th April, 1734. 1½ pp. *Enclosed*.

404. i. Governor Falkingham's Answers to Heads of Enquiry and Instructions, 1732. *Art.* 1-15 complied with. *etc.* (xvi) I am well informed that in divers parts (especially where H.M. ships do not remain) that this article has not been duly observed *etc.*, the harbours of Bonavist, Trinity, Carbonier *etc.* being very much damaged by stone ballast thrown overboard. I have given strict orders to prevent such abuses. (xvii-xx) Complied with. (xxi) The byboat keepers cure their fish upon room belonging to the inhabitants at an annual rent of £7 to £9 pr. boat. (xxii) This article is very seldom observed, the Admirals tell us they demand the certificates

1732. [404. i]

from the masters of the fishing ships, but what I can learn none or few have any regard to the act but such as expect to be Admirals themselves. And for the preventing the leaving so many usefull men in Newfland, who generally endeavour to get to New England notwithstanding all our precaution, the Collectors of the Customs should be strictly inquisitive, whether the ships whose certificates they granted, for their qualification, did at their return home bring with them the same number of men. (xxiii) The inhabitants employ such servants as come either from England, or Ireland to be hyred, many of which are Irish Romans. (xxiv-xvi) Observed, *etc.* (xxvii) I find since the settlement of the civil magistrates that as far as relates to them, there several districts are under a good regulation. But as to the several Admirals in their respective ports and stations have very little regard to anything but their private interest, nor can I find after the strictest inquiry, that any of them have made any return of their proceedings to H.M. most Honble. Privy Council agreeable to the Act of Parliament. (xxviii) The disputes that hapen are seldom desided by the Admirals, but are left until the arrival of H.M. ships, the chief view of the Admirals I take to be their giving their own orders, for collecting their debts, making use of the authority they are invested with to serve their own turn. (xxix) As well observed as can be expected where there is such a number of common illiterate people. (xxx) In several places there are people from New England who keep byboats, as also several fishing ships directly from Ireland, without bringing with them proper certificates, as enjoyned by Act of Parliament, and as they was far advanced in their fishery (on my arrival) I did not think proper to molest them without acquainting your Grace and desiring your Grace's directions how to proceed for the future, if they are esteemed, aliens or strangers, I could not presume to determine, the Irish fishing ships (at Little Placentia) and several other western settlements formerly belonging to the French, bring with them a number of Irish servants, some of whom they leave the winter and by that means stake out the very best of the antient fishing room and by that pretence claim a right, and possess the same as their property. (xxxii) The inhabitants generally subsist on salt provisions, wch. they are furnished with chiefly from Ireland, and by wt. I am informed they have large quantitys of bread and flower from the American Plantations. Where the land is cleared it produces good grass, and the inhabitants breed some few cattle, but are chiefly supplied from America. (xxxiii) They are supplied directly from Great Britain. (xxxiv) The general wages allowed servants are from 4 to £25, according to their

1732. [404. i]

skill in the fishery, they supply their servants with what they demands, which is often in rum and strong liquors at exorbitant prizes, and for their remainder they have bills payable in England. (xxxv) £120 sterl. is the charge of a fishing boat and necessaries. (xxxvi) The inhabitants imploy their servants those days that they cannot work in the Fishery by sending them to the woods for cutting timber for repairing flakes, stages and other domestick affaires. they make no difference as to the price of fish, and generally allow four men to each fishing boat. (xxxvii) The inhabitants in the winter season generally employ themselves, and servants, in cutting wood, timber and sawing boards, for their building their boats, building and repairing their stages, flakes *etc.* for the summer's fishery and fuel *etc.* In some ports, especially to the northward of St. Johns, many people are employed in taking seal in netts, at Fogo and Tillingate, new settlements this year. Bona Vest, and Trinity bay, the furring trade is still carried on the winter season, but not so advantageous as heretofore. Last winter was taken to the value of £391 sterl. *etc.* I can't learn that the furriers have any commerce with the Indians, but that several of the Indians had been formerly destroyed by the furriers, and since several Englishmen have been destroyed by the Indians. (xl) The inhabitants who having cut out and cleared from the woods *etc.* fishing room, not belonging to, or occupied by ships since 1685, they claim a right to, and what they do not employ, let to hyre *etc.* (xli) Five flakes are generally esteemed a boat's room, extending from the sea backward 230 ft. (xlii) I cannot learn that any regular account has been kept in any of the harbours, what room belongs to fishing ships, before 1685, but what is handed down from year to year from their own knowledge. I most humbly submit it to your Grace, that if a survey was to be taken in the several harbours, and that duely registered, it might be a means to prevent disputes that may hereafter hapen. (xliii) The ships that come directly from Gt. Britain, expecting to be Admirals, are provided with all their provisions and necessaries of the British product, but many of these fishing ships touch in Ireland, and there take in their lading of provisions, and great numbers of Irish passangers, persons that know no little more then tending of cattle, which is of bad consequence to the trade, such people seldom or never become to be seamen. (xliv) No ships are allowed to be Admirals but such as bring with them proper certificates from England of their qualifications. (xlv) The Admirals do not put any persons in possession of ship room, but it's always left for the after commer. (xlvi) The byboat keepers generally hyre room yearly from the inhabitants, or by

1732. [404. i]

lease for years, and sometimes clear out for themselves roomes that have never been occupied. (xlvii) The Biddeford and Barnstable ships are the only ones that go on the share with their companies *etc.* The charge of a ship of 100 tuns, 50 men and 10 boats, will amount to £1000 sterl. (xlviii) Little or none imported, it being no proper market, and the traders sensible of the penalty of the act. (xlix) I have not convicted any person carrying on an illegal trade. (l) There is yearly imported to the value of £10 to £12,000 sterl. in rum, molosses, sugars, tobacco, bread and flour from the American Plantations, but no other inumerated comoditys, and those only for the consumption of this Island. (li) The merchants trading from New England send their goods to factors, here, who dispose of them for fish, which fish they sell to the British sack ships, for bills of exchange, and for want of sack ships, ship the fish to market, and great part in refuge fish, for the islands of Azores and to the British Plantations, to the yearly value of 10 to £12,000. (lii) There is in St. Johns ten publicque houses licenced by the Justices of the Peace, and in proportion in the several other harbours, and yet there remains the former evil custom of the several commanders of ships, and byboat keepers selling liquor to their servants, at exorbitant prices. (liii) The inhabitants in general are guilty of furnishing their servants with cloathing and strong liquors, more then their wages, which ingages many to stay in the country, and is a very great prejudice to the bringing up seamen. (liv) The passages out are now from £50 to £3, and 30s. home, and are paid in fish out, and the home passages paid in England by their masters for their servants. (lv) It's certain that masters furnishing their servants with strong liquors occasions great disturbances, and prejudices the fishery. (lvi) I am informed that the masters of fishing ships and byboat-keepers do connive at their servants going to New England, or remaining in the country, purely to save the charge of their passage home, but I have given the necessary orders that they take care to carry home the same persons they brought with them. (lvii) and (lviii) The New England vessels do yearly intice and eary away great numbers of seamen and fishermen, where H.M. ships are not in port, but I have obliged all New England masters of vessels to enter into bond under penalty of £300 sterl. upon earrying away any one man *etc. enclosed.* If upon forfeiture, they were put in execution, it would put an end to this evil practice. (lix) I have given strict orders to the Admirals that they injoyn the commanders and byboatkeepers and inhabitants (as it is for their own interests, to maintain the credit of the Fishery) to be very carefull in the due salting and curing of their fish, to prevent any further complt.,

1732. [404. i]

and as I am informed 10 hogsheads of 64 gallons each is allowed for the salting and curing every hundred quintals of fish, and that what fish is taken by the boats, near the shore, is most esteemed, the fish taken on the Banks, by the ships *etc.*, lying long on board, is apt to take dammage *etc.* As I am informed there has not been any late complaints, I shall not trouble your Lordships any further on this head. (lx) I don't find any one capable of giving me an account of the French Fishery. (lxi) There is not any French inhabitants at Placentia or St. Peters. (lxii) The French do not come to Petit North, or any other parts to the northward of Cape Bona Vist, nor can I learn they do anything contrary to the Treaty of Utriekt, or come from Cape Breton to hunt or furr *etc.* (lxiii) No complaint of the breach of this article. (lxiv) The salmon fishery is still carried on in the several rivers and to advantage, but like other fisherys are better some years than others *etc.* (lxv) Upon my arrival at St. Johns I called a Court to inquire what effect the Commission of the Peace has had. I do find a general complaint, that a due subjection to H.M. Commission has not been had *etc.* No complaint of any Justices' misbehaviour in the execution of their office, *etc.* By information from the Justices, several[y] dispise their authority, especially in places where there is not prisons, or places of confinement, to bring delinquents to Justice *etc.* Has ordered prisons *as covering letter etc.* I have likewise in the publick Court of St. Johns caused the oath of Peter Shank of Pool, against William Keen of St. Johns, J.P., to be publickly read *etc.* and do find that Mr. Keen acted in the execution of his office, giving orders for serching for stolen goods *etc.* Refers to enclosures. Proceedings of my Officer sent to the no'ward in relation to the complaint against the Justices. (i) Upon the representation of Jno. Moore and Joseph Vallis to Mr. Timothy Spurrier, Mayor of Pool, Feb. 1731, against Mr. Francis Squibb and Jacob Taverner, J.P.s, for the district of Trinity, haveing called the said Justices before me, find that Squibb, as by power of his commission did commit Moore's servant to the stocks, *etc.*, Jacob Taverner being superceded from being Justice, did not act: and that the Admirals haveing held a Court for the settling the price of fish, did not give publick notice according to ye complaint, but after the Court broke up, for wch. reason Justice Squibb did order the bill from one side of the Church door to be fixt at the whipping post *etc.* Villes appearing in Court denies that part of the affidavit, that the Admls. held a Court and there agreed to settle the harbour price of fish, and in what manner the debts were to be collected, as not being a custom in Newfoundland, and says the words of the affidavit is changed *etc.*

1732. [404. i]

Signed, C. Steevens. 18th Sept., 1732. (ii) Upon a complaint by Thos. Floyd and Richd. Waltermann, J.P.s for the district of Trinity, April 17, 1732, against Mr. Francis Squibb, J.P. *etc.*, having called before me the said person, find that contrary to the publick peace and authority of a Justice, did consult and encourage the inhabitants to shut up the Church doors, and not acting in a joynt manner wth. the aforesaid Justices agreeable to their commission, and an order given by the Honble. Geo. Clinton, when the same was tender'd to him ; and as to Mr. Willm. Mitchell and Roger Tilsey, Admrs. at that time, mentioned in the complaint, find as they had no power to act in that case, where little concern'd in it. *Signed*, C. Steevens. 18th Sept., 1732. For which later complaint and some othere misdemeanours, I have thought proper to suspend Mr. Francis Squibb from the Commission of the Peace. 12 $\frac{1}{3}$ pp.

404. ii. Scheme of the Newfoundland Fishery for 1732. *Totals* : Number of fishing and sack ships (by harbours), 321 (including 35 from America). Number of men belonging thereto, 27,947. Passengers, in ships for Great Britain and Ireland, 3034. Boats belonging to ships, byboatmen and inhabitants, 1183. Byboatmen, 2281. Quintals of fish made, 302,195 ; carried to foreign markets, 289,595 and 314 tierces of salmon. Train oil made 169 $\frac{1}{2}$ tuns. Price of fish pr. quintal, 13s., of train oil, £14 10s. to £12 pr. tun ; value of seal oil made last winter, £2478 10s. ; of furs taken, £391. Number of staves and train fatts, 421. Number of families who keep public houses, 375. Land improved, 127 acres. Number of inhabitants, 4104, including 330 children, of which 3518 remained last winter. Births, 53 ; deaths, 136. *Signed*, Edwd. Falkingham.
404. iii. List of Justices of the Peace and Constables at Bonavista, Trinity, Carbonier, St. Johns, Ferryland and Placentia. Nos. ii and iii *endorsed*, Recd. 21st Nov., 1732. 10 pp.
404. iv. Bond of William Carthey, master of the *Speedwell* of Boston, in £500, not to carry from Newfoundland any seamen, fisherman or servant brought from Great Britain and the dominions to be employed in the fishery. *Signed*, Wm. Carthey ; C. Stevens, 3rd. Lt. of the *Salisbury* ; Nich. Godfrey, Clk. 1 p.
404. v.-xv. Similar bonds of John Pomroy, of Boston ; Cornelius Kollock, of Philadelphia ; John Rogers, of Boston ; Isaac Johnson, of Boston ; John Miller, of Boston ; Josias Surraige, of Boston ; Thomas Howes, of Nantucket ; Barzillai Folger, of Nantucket ; Daniel Folger, of Nantucket ; George Lumman, of Boston ; Pelatier Whittemore, of Boston. *Seals*. Nos. iv-xv, *endorsed*, Recd. 21st Nov., 1732. 11 pp.

1732. [104]

404. xvi. Answer of William Keen to the complaint of Samuel White of Pool, grounded upon the oath of Peter Shank, mariner. 11th Feb., 1731 (*v. covering letter*). *Signed*, Wm. Keen. $1\frac{1}{4}$ pp.
404. xvii. Deposition of Daniel Callahan, of St. Johns, cooper. 1st Aug., 1732. Passengers were not in any way hindered by Mr. Keen from proceeding in Mr. Shank's sloop, as alleged. Deponent never heard that Mr. Keen otherways concerned himself than by granting his warrant to the constable to search for stolen goods, and where such was found, to apprehend the persons and secure the goods *etc.* *Signed*, Daniell Callahan. $\frac{3}{4}$ p.
404. xviii. Deposition of Thomas Munns and Philip Welch. 1st Aug., 1732. About 17th Oct., 1730, there had been divers houses robbed and several persons apprehended, and as deponents had their chests on board Peter Shank's sloop in order to take their passage to Waterford, search was made by William Slaughter, constable, and others by Mr. Keen's warrant of the several chests on board. In deponents' chests and that of George Clifford stolen goods were found, two of which chests were put into the house of the constable's assistants. Neither deponents nor any other person were imprisoned, nor any person hindred from proceeding as passengers in the said sloop, than deponents and Clifford *etc.* *Signed*, Thomas Munns, Philip Welch, his mark. 1 p.
404. xix. Deposition of William Slaughter, of St. Johns, constable *etc.* 15th Aug., 1732. Corroborates preceding. *Signed*, William Slaughter, his mark. 1 p.
404. xx. Deposition of William McLaughlin, of St. Johns, innholder. 1st Aug., 1732. Corroborates preceding. *Signed*, Wm. McLaughlin. 1 p.
404. xxi. Deposition of Richard Cunningham, of St. Johns, fisherman. 1st Aug., 1732. Corroborates preceding. *Signed*, Richd. Cunningham, his mark. 1 p. Nos. xvi-xxi. *Endorsed*. Recd. 21st Nov., 1732. [C.O. 194. 9. ff. 211-218, 219 *v.*, 220-226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 238, 240 *v.*-242, 243, 244, 245, 246, 246 *v.*]

405. Governor Falkingham to the Duke of Newcastle. Duplicate of preceding covering letter, *mutatis mutandis*. *Signed*, Edwd. Falkingham. *Endorsed*. R. Nov. 30. $1\frac{1}{2}$ p. *Enclosed*.

405. i.-ix. Duplicates of Encl. i.-iii., xvi.-xxi., preceding. [C.O. 194, 24. ff. 116-123, 124 *v.*, 125 *v.*-130, 131-133.]

Oct. 5.
Virginia.
Wmnsburgh.

406. Lt. Governor Gooch to the Council of Trade and Plantations. Having received on the 2nd instant from your Secretary your Lordships' commands for sending the best and most particular acct. I can of the laws made, manufactures sett up and trade carried on in this Government, which in any degree affect the trade navigation or manufactures of Great Britain *etc.*, I humbly

1732. [406]

represent *etc.* the reasons why I think there is no law now subsisting in this Colony, which can in any sense be said to affect the British trade : for I hope I may with justice exclude from that title the few laws for raising dutys for the support of the Government, and the defence of the country : such as the two shillings per hogshead, fifteen pence per tun and sixpence per head on all persons imported, which by an act confirmed under the great Seal of England have subsisted for upwards of fifty years, without being thought in any way prejudicial to the Trade or Navigation of Great Britain. The Act laying an imposition on liquors is fram'd with such regard to the British trade, that no liquors imported from thence are charg'd with any duty : and since the British merchants pay no more now than what the people here are liable to, I can apprehend no just objection can be offer'd against a duty recommended often by the Crown to ease the inhabitants from a burdensome poll-tax, and which without all contradiction they themselves pay in the purchase of those liquors, with an ample recompence to the importer for disbursing the duty on the entry. Nor can the law pass'd last session of Assembly laying £5 p. ct. ad valorem on negros to be paid by the buyers, any way affect the British merchants trading in slaves, since they are not one farthing out of pocket on account of this duty nor is their price lessen'd by it, as may be clearly seen by comparing the sales of negros since the commencement of this duty with others when there was no duty at all. The late act for amending the staple of tobacco cannot be said to affect the Trade or Navigation of Great Britain any otherwise than as the necessary expence of its execution obliges the purchasers of tobacco to pay a small fee for its inspection : but if they consider the benefit they reap by that payment (not more neither than it cost them when not under this law) compared with the frauds and inconveniencys to which they before were subject, and are now deliver'd from, the advantages they have at present will greatly overballance the charge : It is indeed probable that some of the Factors may object the disappointment they have this year mett with in the lading of their ships : but there is an answer ready at hand : The merchants who adventure goods hither to purchase tobacco in the country, have meet with no such accident, their ships are all gone home full, and so far are they from being sufferers, that 'tis very demonstrable they will this year be great gainers by their purchases : as for the ships sent hither purely upon freight (which are more than usual in former years) it must be considered that the crop proved very bad, and it would have, had they been at liberty, no better than madness in the people of Virginia to send home a bad commodity only to fill up the ships, when the price for it would not have paid the freight ; nor is it any new thing for the ships to return dead freighted, as they term it, when there happens a short crop : nor can it be of any benefit to the British trade to have the markets clog'd with an unsaleable commodity. So that on the whole I humbly hope neither of these laws will be judg'd to affect the trade of Great Britain, in the sense intended by the Honourable House of Commons. As to manufactures sett up, there is one

1732. [406]

poor potter's work for coarse earthen ware, which is of so little consequence, that I dare say there hath not been twenty shillings worth less of that commodity imported since it was sett up than there was before. Of iron works there are now four in this Colony, but these being employed in running only pig iron, and that sent to Great Britain to be forg'd and manufactur'd, these are rather beneficial to the British trade than inconsistent with its interest : But if they are to proceed no farther, it would be proper to restrain them from running of potts and backs for fire places which they are falling into ; and also to lett us know whether air furnaces are allow'd of, because at one of the works there is one built, and whether we may make barr iron, which they now do in Pensylvania, and to the northward. Here are also divers essays made towards the discovery of copper mines, and three several shafts already open'd with indications of veins of that mettall, but as yett with no great success : however 'tis to be hop'd amongst so many signs of minerals, as appear in many parts of the country, some may be found out that will reward the expence and labour of the adventurers, and turn to the benefit of trade. There hath been much discourse amongst the common people of sowing flax and cotton, and therewith supplying themselves with cloathing : but since the late tobacco law hath begun to raise the price of that staple, all these projected schemes are laid aside, and in all probability will continue so, as long as tobacco is of any value, seeing the necessary cloathing for the planters and their negros, may be more easily purchas'd with tobacco than made by themselves. Nor indeed is there much ground to suspect that any kind of manufactures will prevail in a country where handycraft labour is so dear as 'tis here : the heat in summer, and severe colds in winter, accompani'd with sundry diseases, proceeding from these causes, indispose both whites and blacks to hard working, such as labouring people in Great Britain undergo ; and where the earth produces enough to purchase and supply all the necessitys of life without the drudgery of much toil, men are tempted to be lazy. As to Trade, upon the strictest enquiry I have all along made, I can discover no sort carried on, to or from this Dominion, but with Great Britain, the British Islands in the West Indies, and the Island of Madeira : our exports to Britain are so well known that little need be said of them, except that all the labour of the people and their slaves on tobacco, pitch and tarr, and such skins and furs as are bought of the Indians are carried thither, and returned from thence in goods and necessarys for the inhabitants ; and tho' the principal commodity, tobacco, has for some years past been so low that it would hardly afford clothing for those employed in making of it, and consequently the consumption of British manufactures much lessen'd, yet, I don't doubt, the late law for amending that staple will in a short time remove that misfortune, and raise it to so good a price that the planters will be diverted from any kind of manufactures to supply their wants. Besides what I have already mentioned, there is a trade carried on hither from New England and Bermuda for provisions of all kinds, for which there are brought to this country sugar and

1732. [406]

malasses chiefly of the growth of the French and Dutch Plantations, which being much cheaper than those of our own Islands those industrious people are enabled to carry on an advantageous trade both for themselves and poorer sort of inhabitants here, who purchase those commoditys of them at a less price, than our own merchants can afford to sell theirs, which are solely the product of our own Islands. But I must not omit to inform your Lordships that as the people of New England are obliged to apply themselves to manufactures more than other of the Plantations, who have the benefit of a better soil and warmer climate, there has been of late such improvements made there in all sorts of mechanick arts, that not only escritors, chairs and other wooden manufactures, but from their iron works, hoes, axes and other utensils are now carried from thence to the other plantations, and if not prevented will do great damage to the trade and manufactures of our Mother Country: and unless this one kind of trade, which as yet has been but inconsiderable to this place, I know of no trade entered into here, which hath any tendency to prejudice the Trade, Navigation or Manufactures of Great Britain *etc.* *Recommends* Col. Thomas Lee to fill vacancy in Council upon the death of Col. Henry Harrison, "not only in regard Mr. Lee is a gentleman of good parts, of singular probity and character, but because he is one of good interest and esteem in his neighbourhood, which is of no small consideration in a part of the country remote from the seat of Government, where the common people are generally of a more turbulent and unruly disposition than anywhere else, and are not like to become better by being the place of all this Dominion where most of the transported convicts are sold and settled." *Signed*, William Gooch. *Endorsed*, Recd. 22nd Dec., 1732, Read 1st Feb. 1733. *Holograph*. 4 $\frac{3}{4}$ pp. [C.O. 5, 1323. ff. 61, 63-65, 66 v. (*with abstract*).]

Oct. 6. **407.** Governor Johnson to the Duke of Newcastle. *Acknowledges* Instruction of 5th May relating to higher duties on British ships and goods *etc.* *Continues*: I have examined what dutys are payd in this Province on English European ships or goods, and there is only 2 $\frac{1}{2}$ p.c. our currency upon the prime cost of goods from Europe in general, which in sterling money is 8s. 3d., which duty is appropriated towards maintaining a watch in Charles Town, and the act is almost expired: I shall take care not to consent to the renewing it: the dutys upon American goods imported here are much higher *etc.* *Signed*, Robt. Johnson. *Endorsed*, R. 26th Decr. 1 $\frac{1}{2}$ pp. [C.O. 5, 388. ff. 49, 49 v., 49A v.]

Oct. 6. **408.** *Same to Same.* I am this minute informd that application is making to your Grace for a patent for Naval Officer, it being a place all Governors have the nomination to, by the Acts of Navigation, I humbly hope that hardship won't be put upon me. *Signed and endorsed as preceding.* 1 p. [C.O. 5, 388. ff. 50, 50A v.]

1732.

Oct. 6.
Treasury
Chambers.

409. Mr. Scrope to Mr. Popple. *In reply to 19th May, q.v.*, "the Lords Commissioners of H.M. Treasury are of opinion that the act of S. Carolina for remission of the arrears of quit-rents *etc.*, is not proper for H.M. royal approbation, the whole tenour thereof encroaching upon his royal prerogative, being prejudicial to H.M. Revenue and contrary to H.M. Instructions to the Governour: the said act also confirming large and exorbitant grants pretended to have been formerly made of lands, which would very much discourage private persons from settling there." *Signed*, J. Scrope. *Endorsed*, Recd. 10th. Read 25th Oct., 1732. *Addressed*, 1 p. [C.O. 5, 362. ff. 99, 102 v.]

Oct. 8.
Barbados.

410. President Barwick to the Council of Trade and Plantations. *Reply to letter of 16th June.* To return your Lordships the best answer I can I do not know of any new manufactures set up in this island that can any way affect the trade or navigation of Great Britain nither have we any trade carried on other then according to the laws of trade now in force excepting a clandestine trade by a parcel of small French sloops that bring to this island rum, sugar, brandy, clarret, coco *etc.* from Martinique and are constantly made prises when they can be taken. What laws have been past here since my comeing to administer the Government I have transmitted them to your Board by which your Lordships will perceive the trade here goes on the footing it has been for many years past without any alteration made by me and I shall observe it as a rule to send annual returns to these queries *etc.* *Signed*, Saml. Barwick. *Endorsed*, Recd. 5th Dec., 1732, Read 23rd Feb., 1733. 1½ pp. [C.O. 28, 23. ff. 52, 52 i., 56 v.]

Oct. 9.
Whitehall.

411. Order of Committee of Privy Council. Whereas the Governors of H.M. Plantations in America are required by their Instructions not to permit any clause whatsoever to be inserted in any law for levying money, or the value of money, whereby the same shall not be made liable to be accounted for, unto H.M. in his Kingdom of Great Britain, and the Lords Commissioners of H.M. Treasury, or to the Lord High Treasurer for the time being, and are likewise strictly enjoined, upon pain of H.M. highest displeasure, to take care that fair books of accounts of all receipts and payments of all such money should be duly kept, and the truth thereof attested upon oath, and that the said books should be transmitted every half year or oftner, to the Lords Commissioners of H.M. Treasury, or to the Lord High Treasurer for the time being, and the Lords Commissioners for Trade and Plantations, and duplicates thereof by the next conveyance, in which books are to be specified, every particular sum raised or disposed of, together with the names of the persons to whom any payment should be made, to the end H.M. may be satisfied, of the right and due application of the revenue of his Plantations, with the probability of the increase, or diminution of it, under every head or article thereof: And whereas the Lords of the Committee of Council have been this day informed, that notwithstanding the

1732. [411]

said Instruction. the said Governors have for many years past neglected to transmitt any such books. either to the Lords Commissioners of H.M. Treasury. or to the Lords Commissioners for Trade and Plantations : By means whereof H.M. hath been unacquainted with the revenues. that have been raised in his Plantations. as also with the application thereof : The Lords of the Committee are therefore hereby pleased to order, the Lords Commissioners for Trade and Plantations, to write circular letters to all H.M. Governors in America. who have received the said Instruction. taking notice of such their neglect, and requiring them to pay a due and exact obedience to H.M. said Instructions for the future. *Signed*, W. Sharpe. *Endorsed*, Recd., Read 19th Oct., 1732. $2\frac{1}{3}$ pp. [*C.O.* 323, 9. *ff.* 119–120 v.]

Oct. 10.
Whitchall.

412. Council of Trade and Plantations to Governor Belcher. *Acknowledge* letters and enclosures of 12th, 21st, 24th June, 13th and 26th July, 21st, 27th and 31st Aug., 29th Oct., 1731, and 10th July and 14th Aug. last. *Continue* : The substance of all which letters relating principally to ye old difficulties in the matters of your salary. upon which you have had our repeated opinion : To the repeal of your Instructions for the method of supplying the Treasury, and issuing of paper mony, but lately determined ; and to ye disputes about command in your absence from N. Hampshire. upon which H.M. has not yet decided. We have had nothing new to trouble you with of late, and therefore have not till now acknowledged ye rect. of these letters. With respect to your salary, we advise you to continue your endeavours to induce the Assembly to a due compliance with H.M. most reasonable demands. For tho' H.M., as you have hitherto fulfilled your duty in this particular by complying with the tenor of your Instruction, has once had ye goodness to allow you to receive a present from the people, in lieu of a salary, we cannot say what may be ye success of your second application, and certain it is ; that we cannot constantly advise his Majesty to shew ye like condescension to a people who in no instance have shewn any inclination to do what has been proposed to them by His Royal Instructions. We are surprized that after so solemn determinations on the method of supplying the Treasury, and against ye inconvenience of paper currency in excess ; which gave rise to your 16th and 30th Instructions, your Assembly should make fresh application for their repeal. But before this comes to your hands, you will have received ye King's pleasure, upon these matters, which we hope will put a final end to the dispute. But if ye Assembly of New England, when they come to be acquainted with H.M. confirmation of these Instructions, should either refuse or neglect to supply the Treasury of that Province in a legal manner, so that neither the fortifications can be kept up, nor the dignity of H.M. Governmt. supported ; it will be the Assembly only that will remain answerable for ye ill consequences of their own conduct. Having considered what you and Colo. Dunbar wrote concerning the right of command in New Hampshire, and what should be deemed an absence in the Commander in Chief, so as to enable the

1732. [412]

Lient. Governor of that Province to take upon him the said command; and conceiving this question to be of great consequence to H.M. service, and to the peace and good government of the Province, we thought it proper to lay the state thereof before H.M. for his royal orders thereupon, which he has not hitherto been pleased to give. Your remarks upon what Mr. Newman wrote to you about his having applied to this Board for the appointment of some Councillors in New Hampshire are something new. For if you imagine that your being directed to lay before us constant lists of such persons as you may think qualified for that trust, implied any necessity that we should nominate from your list only: we must inform you, that you are very much mistaken. And as we are answerable for such persons as this Board recommends to H.M. for Councillors, we ought to acquire all ye information we can, concerning their characters. We can't avoid taking notice of the many parts of your letters, where in general you insinuate pretty hard things against the character of Colo. Dunbar. If you design this by way of complaint agt. him, we desire to know it, that we may send him copies thereof, for his answer; If not; you may discontinue this way of writing for the future: Because it would be hard any man's reputation should be call'd in question, without an opportunity of making his defence. So we bid you heartily farewell and are Your very loving friends and humble servants *etc.* [C.O. 5, 917. pp. 72-75.]

Oct. 11. **413.** Letter of Attorney from William Houston, surgeon, to Philip Miller, of Chelsea, gardener. [C.O. 5, 670. pp. 100, 101.]

Oct. 12. **414.** Duke of Newcastle to Governor Hunter. I send you
Kensington. herewith an extract of a letter I have received from Mr. Keene, H.M. Minister Plenipotentiary at the Court of Spain, and a copy of a Memorial that was put into his hands by Mr. Patino, Governor of the Council of the Finances and Secretary of State to the King of Spain, complaining of the refusal that is made at Jamaica to deliver to the persons duly authorised in that behalf, the effects that were saved out of a Spanish packet boat that had been cast away at the Cumanas near that island. His Majesty was surprised to receive such a complaint after the care that had been taken by Rear Admiral Stewart and you and H.M. other officers in that Island, to secure and restore to the Spaniards the effects that were saved out of the ship *Genoese*, which was cast away there about the same time, and the approbation H.M. has been pleased to give to the proceedings of his officers in this respect; and I am commanded to acquaint you with H.M. pleasure that as far as it may depend upon you, no unnecessary trouble or delay may be given to the Agents employed by His Catholick Majesty, or those having sufficient authority under him, in receiving the effects above-mentioned. *Signed*, Holles Newcastle. *Copy. No enclosures.* [C.O. 324, 36. pp. 374-376.]

Oct. 12. **415.** Duke of Newcastle to Sr. Chaloner Ogle. His Majesty
Kensington. having received a complaint from the Court of Spain, that

1732. [415]

Captain Aubin, Commander of H.M. the *Deal Castle*, did, on the 2nd of May last, seize in the Bay of Campeachy, a Spanish ship called *La Dichosa*, commanded by Dr. Francisco Lopez Marchau, by way of reprisal for the ship *Woolball*, Matthew Rent, Master, taken by a Spanish privateer under the command of Dr. Simon Mattos, the 2nd of June, 1731. And H.M. considering that this reprisal was made since the issuing of the King of Spain's Cedula of the 15th Janry, and the signing of the Declaration of the 28th Janry, 1731/2 by H.M. Minister Plenipotentiary at the 8th Febr'y.

Court of Spain, and His Catholick Majty's Ministers duly authorized in that behalf (of which I herewith send you copys) and it being H.M.'s intention, that the engagements entered into in his name by the said Declaration be duly complied with, H.M. has commanded me to acquaint you with His Royal pleasure, that upon receipt hereof you deliver up to such person or persons as shall be commissioned and empowered by the King of Spain to receive the same, the said *La Dichosa*, with all her apparel, furniture and lading in the condition in which it was at the time of her being seized as aforesaid ; and you will send me an account of the receipt of these H.M. commands, and of what you shall have done in obedience thereunto, that I may lay the same before H.M. Signed, Holles Newcastle. Copy. [C.O. 137, 47. ff. 134, 134 v.]

Oct. 12.

416. Instructions to Dr. Houston. You are order'd by the Common Council of the Trustees for Georgia *etc.*, to go on board the ship *Amelia etc.*, bound for Madera and Jamaica *etc.* At Madera you are to inform yourself of the manner of cultivating the vines and making the wines there ; and to carry with you to Jamaica cuttings of their best sorts of vines, and seeds, roots or cuttings of any other useful plants you shall meet with on that island which are wanting in the British Colonies ; but particularly the cinnamon tree. And if you can find any vessel going from thence to South Carolina, you must also send some of each of the abovementioned things directly there, adressed to Mr. St. Julian at Charles Town. From Jamaica you are order'd to go to the several Spanish settlements at Carthagená, Puerto Bello, Compechy and Vera Cruz *etc.*, and if you can, to cross the country to Panama. At all these places you are to use your utmost dilligence to procure the seeds and roots of all usefull plants, such as ipecacuana, jallap, contrayerva, sarsaparilla, and Jesuites bark ; the trees which yield the Peruvian, and Capiivi balsoms, the gum elemi *etc.*, the cochineel plant with the animals upon it ; and all other things that you shall judge may be of use to the Colony of Georgia. On returning from any of the said places to Jamaica to leave what you have brought over with some person, and send some of each kind to Charles Town *etc.* Afterwards to spend the remaining part of the three years taking care of their culture in Georgia. Concludes : And you are particularly desired to inform yourself of the nature and culture of the white mulberry-tree which is most proper for the nourishment of silk-worms. As likewise of all sorts of logwood, and other woods and barks of use in

1732. [416] dyeing, in order to the propagating of them in Georgia. *Mem.* Direct to him to the care of Dr. John Cochran at Kingston in Jamaica. *Copy.* [*C.O.* 5, 670. pp. 2, 3.]
- Oct. 12. **417.** Duke of Newcastle to Major General Hunter. *Encloses*
Kensington. copy of following orders to Sir C. Ogle (*c.* 30th Oct.), for the restitution of the Spanish ship *La Dichosa* commanded by Dn. Francisco Lopez, marchant, seized the 2nd of May last in the Bay of Campechy by Capt. Aubin, Commander of H.M.S. the *Deal Castle*, by way of reprisal for the ship *Wool Ball*, Mathew Kent, master, taken the 2nd of June, 1731 by a Spanish privateer under the command of Dn. Simon Mattos, off the Colorados near the island of Cuba, and by him carryed to Campechy, and there condemned, on pretence of having been employed in an illicit trade *etc.* I am to signify to you H.M. pleasure that this order be duly complied with *etc.* *Signed*, Holles Newcastle. *Endorsed*. Sent under flying seal to Mr. Keene. *Draft.* 1 $\frac{1}{8}$ pp. [*C.O.* 137, 54. ff. 106, 106 *v.*, 107 *v.*]
- Oct. 13. **418.** Order of King in Council. Repealing Act of Jamaica
Kensington. *for raising several sums of money etc.*, "by which act a duty was laid of 10s. a head on all negroes imported although the property of the negroes should not be changed there, and of 20s. on every negro exported, and which act was also conceived in such terms that whole cargoes of negroes tho' brought to Jamaica for refreshment only and not landed there would be subjected to the said duty of exportation if any part of them should be sold in that island," this being directly contrary to H.M. Instructions to Governor Hunter and H.M. last Instruction of 10th Dec., 1731. The latter Instruction, notwithstanding the Address of the Council and Assembly of Jamaica for revoking the same, is to remain in force, and the Governor is to adhere strictly thereto as also to his former Instructions on this head as he will answer the contrary. *Signed*, W. Sharpe. *Endorsed*, Reed, 28th Oct., 1732. Read 4th May, 1733. 2 $\frac{1}{2}$ pp. [*C.O.* 137, 20. ff. 84–85 *v.*; and (in briefer form) 89, 89 *v.*, 94 *v.*]
- Oct. 16. **419.** Lord Delawarr to [! *the Duke of Newcastle*]. Mr. Cole, whose head of hair your Grace is perfectly acquainted with, is the occasion of my troubling you with this. He has been informed that Captain Burrington, Governor of North Carolina, is to be recall'd and is very desirous, that your Grace would be so kind as to recommend him, to be his successor. Indeed, my Lord, it would be an act of great good nature and charity, and I doubt not but he will behave himself entirely to your Grace's satisfaction, *etc.* *Signed*, De La Warr. 1 $\frac{1}{2}$ pp. [*C.O.* 5, 306. No. 23.]
- Oct. 16. **420.** President Barwick to Council of Trade and Plantations.
Barbados. The Treasurer of this island haveing brought in his accompts after the last papers were sent away I transmit them together with the storekeepers' by this opportunity being the first that has since happened; by the later accompt it appears how miserable a

1732. [420]

condition the island is in the publick stores of arms being decayed and in a manner useless, great part of our fortifications lying in ruine and perishing together with the ordnance belonging to them : the Assembly whose business it properly is to raise a sufficient fund for their repair wholly neglect them to the great hazard of this his Majesty's island now exposed to any attempt that may happen to be made upon it so that there seems a necessity some care should be taken either by the Assembly here or his Majesty at home *etc.* before it is too late to be retrieved. *Signed*, Samll. Barwick. *Endorsed*, Recd. 20th Jan., Read 7th Nov., 1733. 1 p. [*C.O.* 28, 23. *ff.* 119, 120 *v.*]

Oct. 16.
Barbados.

421. *Same* to the Duke of Newcastle. Has received and will follow H.M. Instructions forbidding higher duties on British than on Plantation ships and goods *etc.* *Repeats* preceding letter. *Signed*, Samll. Barwick. *Endorsed*, R. Janry. 31st. 1½ pp. *Enclosed*,

421. i. Account of the stores of war in the magazine at Barbados. The greater part of the arms and accoutrements are described as "rusty and decayed." *Signed*, at St. Ann's Castle, 23rd Sept., 1732, Samuel Durousseau, Storekeeper. 2 pp. [*C.O.* 28, 45. *ff.* 204, 204 *v.*, 205 *v.*, 206 *v.*, 207.]

Oct. 18.
Trustees Office,
Palace Court,
Westminster.

422. Benjamin Martyn, Secretary to the Trustees for establishing the Colony of Georgia, to Governor Johnson, Sir, I do myself the honour to write this letter to you, by order of the Trustees for establishing the Colony of Georgia : which is to inform your Excellency, that an imbarkation of eighty, or thereabouts of his Majesty's natural born subjects will be ready to set sail on the seventh of the next month for the said Colony, and are to be set on shore at Port Royal within your Government. James Oglethorpe, Esqr. one of the Trustees will accompany them himself, and will bring with him H.M. orders contain'd in an Instruction for your Excellency, by which you are directed to give all due countenance and encouragement for the settling of the said Colony of Georgia, by being aiding and assisting to such of H.M. subjects, as shall come into the Province of Carolina. After such a recommendation, there will be little occasion for any other, especially considering, that the success of this undertaking must so greatly redound to the security, and advantage of that Province, the Government of which His Majesty has intrusted to your care. What the Trustees have now to desire of your Excellency, is, that you would be pleased to use your immediate endeavours with the Council and Assembly, that provision be made according to their promise for the sustenance of the new comers, till they can raise it themselves ; and that twenty negro labourers, and four pair of sawyers be hired to assist in clearing the ground for this new settlement, which is design'd to be made on the south side of the River Savanah, as near to Port Royal as will be convenient. And your Excellency is further desired to take proper measures for informing the Indian neighbours of the

1732.

[422]

approaching arrival of this new settlement, and to dispose them to live in friendship, and good neighbourhood with them, by assuring them they will meet with the like : and that you would (if your Excellency think it adviseable) engage some of the most friendly among the Indians to come down, and assist them in hunting *etc.* Mr. Oglethorpe will bring with him an authentick copy of the Charter, under H.M. own signet, and annex'd to the Instruction, by which you are required to cause it to be forthwith register'd, and entered upon record by the proper Officer within your Province. The trustees direct me to acquaint you, that they cannot conclude this letter without remonstrating to your Excellency the great consequence, that no disappointment should happen to this first imbarcation, on their first arrival within your Province ; both in regard to so great a number of H.M. subjects, who expose their lives and fortunes to come and settle by you, and likewise in regard to the worthy Gentleman, who has so charitably undertaken the conducting them, and to whose zeal, and indefatigable care the whole design is so much indebted. I am Sir, Your Excellency's most humble and most obedit. servant. *Signed.* Benj. Martin Secretary *etc.* [C.O. 5, 666. ff. 1 r., 2.]

Oct. 18.
Whitehall.

423. Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, Act of Antigua *for repealing so much of an Act of 1715 for constituting a Court of Chancery and any other law now in force etc., as restrained the power of H.M. from appointing a person to preside in the Court of Chancery.* [C.O. 153, 15. p. 133.]

Oct. 18.
Whitehall.

424. Mr. Popple to Mr. Fane. Desires his opinion whether the act passed the last session of Parliament *for encouraging the Greenland Fishery* extends, so far as relates to the indulgences on duties to whale fins *etc.* imported from Newfoundland. [C.O. 195, 7. p. 277.]

Oct. 19.
Whitehall.

425. Council of Trade and Plantations to Sir William Strickland, Secretary at War. *Enclose* petition of John Adams, a reduced officer, and one of the Council of Nova Scotia, and extract from Lt. Governor Armstrong's letter thereupon. *Conclude :* We recommend the poor man to your protection, as a real object of charity, desiring that you will be pleased to set his pretensions in the most favourable light before H.M. *etc.* [C.O. 218, 2. f. 263.]

Oct. 20.
Boston.

426. Governor Belcher to Mr. Popple. *Acknowledges* letters of 16th June, lately received. Is preparing returns to Queries, which will differ very little from those transmitted last year. *Concludes :* " It is a long time since I have had the honour of any from their Lordships, and I suppose near twenty of my letters lye now before the Board unanswer'd," *etc.* *Signed.* J. Belcher. *Endorsed,* Recd. 22nd Dec., 1732, Read 30th Aug., 1733. 2 pp. [C.O. 5, 875. ff. 109, 109 r., 110 r.]

1732.

Oct. 25.

427. Trust grant by the Trustees for establishing the Colony of Georgia. (a) Lease of 5000 acres for one year to Thomas Christie, Joseph Hughes and William Calvert of London, labourers, in consideration of the sum of 5 shillings by them paid, *etc.* at the rent of one pepper-corn at Michaelmas *etc.* *Copy.* [C.O. 5. 670. pp. 4. 5.]

Oct. 26.

428. Release of *same.* " to the intent and purpose that the said Christie " *etc.* " shall from time to time as occasion shall require grant, assign and transfer to every man of the age of twenty-one years or upwards who within the space of twelve months from the date hereof shall arrive in the said Province of Georgia with a design to settle and inhabit there and shall signify to them *etc.* his desire to have lands granted to him : a certain number of acres not exceeding 50 *etc.*, upon condition that if such person shall not inhabit the said province for the term of three years from and after the day on which he shall request such grant *etc.*, and shall not cultivate such lands as shall be given him *etc.*, or shall depart out of the province without licence in writing *etc.*, or shall alien, assign or transfer the said lands *etc.* or any interest therein without the special leave of the Common Council of the said Corporation *etc.*, it shall be lawful for the said Trustees into and upon the said lands to re-enter *etc.* and such person utterly to expell, put and amove *etc.* : and also on this further condition, that if any of the said lands so to be granted shall not be cultivated planted, cleared or improved during the space of ten years from the date of the grant of such lands, that then all and every part or parcell of such lands not cultivated *etc.* shall be and belong to the said Trustees, and the grant of such lands as to such parts or parcels thereof shall cease determine and be void *etc.* And further reserving a yearly rent for ever after the rate of four shillings for every hundred acres, the payment of which said rent not to commence or be made untill ten years after the making such grant *etc.* Reversions or remainders on the demise of such grantees without male issue to be to the Trustees *etc.* The said Christie, Hughes and Calvert covenant to execute the trust hereby in them reposed *etc.*, and to obey and perform all orders and directions given them by the Common Council *etc.* touching the granting and disposing of such lands *etc.* *Copy.* [C.O. 5. 670. pp. 5-10.]

Oct. 26.
New York.

429. Governor Cosby to the Duke of Newcastle. *Abstract.* Announces death of Mr. Smith, Secretary of the Jerseys. This is reckoned one of the most considerable places belonging to these provinces, yet brings in no more than £450 a year. Mr. Smith resided at Philadelphia, for above 15 years, and executed the office by two deputies, one for the East and the other for the West division, who paid him about £170 sterl. a year. He has continued the deputies upon the same footing " under my son billy," and hopes his Grace will confirm in that office. *Continues :* It will give me a little more power in that province than I had, which I doe assure your Grace is greatly wanting to Governors in

1732.

[429]

these parts, for ye Secretarys and thier deputys think themselves intierly independent of ye Governours and allmost act accordingly which is a very great hindrance to ye King's affairs. (I doe not spake as to myself for I make ye right use of Mr. Clarke he is my first minaster) espetially at this time, since *etc.* ye example and spirit of the Boston people begins to spread amongst these Colonys in a most prodigious maner. I had more trouble to manige these people then I could have imagined, however for this time I have done pritty well them : I wish I may come off as well with them of ye Jarseys. My lord augustus is with me, he is all ye young people that I have seen the most agreeable and unaffected *etc.* Has sent the Duchess a live beaver *etc.* *Set out.* N.Y. Col. Doc. V. 936 : N. J. Archives, 1st Ser. V. 320. *Signed.* W. Cosby. *Holograph.* 3³ pp. [C.O. 5, 1093. ff. 254-255 r.]

Oct. 30.
Kensington.

430. Duke of Newcastle to Sir Chaloner Ogle. *Encloses* H.M. order for restitution of the *La Dichosa etc.* (v. 12th Oct.). *Continues :* But H.M. has commanded me at the same time to acquaint you, that this order having been given and a duplicate of it put into the hands of the Spanish Ministers, to be by them transmitted to the West Indies, upon condition that if, contrary to expectation, any embargo should have been laid, or seizure of the ships or effects of H.M. subjects should have been made by the Spaniards in revenge for this reprizal, such embargo is to be taken off and all such seizures are to be restored, at the same time that this Spanish ship is delivered up. It is therefore H.M. pleasure that when you execute his orders for the delivering up the said Spanish ship, *La Dichosa*, you take care that this condition be complied with on the part of the Spaniards, or have sufficient satisfaction, that the orders for that purpose are sent to the several Spanish ports, where it may be necessary, and particularly to La Vera Cruz, and in such manner as there may be no reason to apprehend any chicane or delay. *Signed.* Holles Newcastle. *Endorsed,* Copy sent to Mr. Keene by C.D. = (! Charles Delafaye). [C.O. 137. 54. ff. 108, 108 r., 109 r.]

Nov. 1.
Whitehall.

431. Council of Trade and Plantations to the King. An act was passed in So. Carolina, 20th Aug. 1731, entitled *for remission of arrears of quit-rents etc.* Which being an act of great consequence to yor. Majesty's revenue, we thought proper before we represented our own sentiments of it to your Majty., to lay the same before ye Lords Commissioners of your Majesty's Treasury *etc.* *Quote their reply.* v. 6th Oct. *Continue :* We have also reced. great lights upon the several points contained in this act, from ye papers that have been transmitted to us by Mr. St. John, Deputy Auditor of So. Carolina, as well as from the report of Mr. Whitaker *etc.* And we beg leave to take notice, that soon after your Majesty had been pleased at a very considerable charge, to purchase the sovereignty of ye Province, together with seven eighth parts of the land thereof, and the same proportion of the quit-rents alledged to be due and in arrears from the inhabitants to the late Lds. Proprietors, yor. Majesty was

1732. [431]

graciously pleased, as a mark of your royal bounty, and fatherly indulgence to ye people of this Province, to impower yor. Governor to give his assent to a law for remitting the said arrears, provided the Assembly should by the same law repeal one formerly consented to by the Lords Proprietors, *to ascertain the prices of and, forms of conveyances etc.*, and should thereby provide that all possessors of land, in that Province, should forthwith register the respective grants, by which they claimed such lands, in the office of yor. Majesty's Auditor General or his Depty., copies of which register and of all grants to be made for the future, should be transmitted to your Majesty, and to your Commissrs. for Trade and Plantations, and that every person possessing land in ye said province by virtue of any grant from ye late Lords Proprietors should for ye future pay to Yor. Majty. your heirs and successors, the annual quit-rents reserved upon such lands respectively, in Proclamation mony. Other Instructions were also given at ye same time by yor. Majesty to ye said Governor for ascertaining and collecting your Majesty's quit-rents there, which were calculated for ye common and reciprocal interest of the Crown and the people of that province *etc.* *Enclose copies of papers relating thereto. Continue :* But altho' the act in question hath been passed under colour of these Instructions, yet we cannot help agreeing in opinion with ye Lords of your Majesty's Treasury, that it is very far from answering the intent of them ; and we find ourselves humbly obliged to represent to yor. Majesty, that this is a very partial act, calculated for the interest of some particular inhabitants of So. Carolina, to ye prejudice of your Majesty's just rights and claims in that Province ; that new and exorbitant advantages are therein stipulated for the benefit of particular persons, in the strongest terms ; obsolete and void grants of vast tracts of lands thereby revived and confirm'd, to the great discouragement of such persons as might be disposed to settle and cultivate the same, the value even of the ancient quit-rents diminished ; the lawfull power and rights of ye Crown invaded and neglected : and both the establishment and collection of yor. Majesty's quit-rents so ill settled and regulated as to be left impracticable or at least very precarious. For these reasons therefore we beg leave to lay this act before your Majesty for your disapprobation, and we would at ye same time, humbly propose that yor. Majesty should be pleased to refer the same, together with all ye papers thereunto annexed, to ye consideration of yor. Majesty's Attorney and Solicitor General, directing them to prepare the draught of *a bill* for the ascertaining and more easy collecting of your Majesty's *quit-rents* in that Province, and for the due payment thereof in Proclamation mony, agreeable to the intention of your royal Instructions ; that your Majestie's bounteous design of remitting to the inhabitants all arrears of *quit-rents* due at the time your Majesty purchased this Province from ye Lords Proprietors may take place and produce ye desired effect, and that in the said bill proper provision may be made as well for preserving the rights and prerogatives of the Crown as for encouraging the settlement and cultivation of the sd. Province,

1732. [431]
and that your Majesty's Governor of South Carolina may be instructed to recommend ye same to the Assembly. [*C.O.* 5, 401. *pp.* 54—61.]
- Nov. 1. **432.** Power granted by the Common Council of the Trustees for Georgia etc. to James Oglethorpe to direct the granting the 5000 acres of the Trust grant to Christie *etc.* (26th Oct.) and the execution of their trust. *Copy.* [*C.O.* 5, 670. *pp.* 11, 12.]
- Nov. 1. **433.** Powers from *Same to Same* for setting out the sd. 5000 acres, and for granting licences to pass out of Georgia. *Copy.* [*C.O.* 5, 670. *pp.* 13, 14.]
- Nov. 2. **434.** Letters Patent by the Trustees for Georgia *etc.* erecting and constituting a Town Court of Savannah. *Copy.* [*C.O.* 5, 670. *pp.* 14—17.]
- Nov. 2. **435.** Council of Trade and Plantations to Lt. Governor Armstrong. *Acknowledge* letters etc. of 5th Oct. and 16th Nov., 1731, and 10th June last. *Continue* : Altho' the dispute arising from Coll. Philipps having appointed Major Cosby President of the Council seems at present to subside by his having withdrawn himself yet we thought it necessary to observe to you upon this occasion that no Governor has a right to alter the rank of any Councillor, and you are to take notice that the eldest Councillor upon the list of Councillors appointed by virtue of H.M. Commission or Instructions is always to act as President of the Council and to take upon him the Government in the absence of the Governor and Lieutenant Governor of the Province, for whatever rank any person may have out of the Council yet in the Council he must submit to the law of seniority which in civil government ought never to be dispensed with, but by H.M. especial order under his Sign Manual. We have little to say to you at present relating to the passing of grants for land, as you must before now have received H.M. Additional Instructions whereby you are impowered to grant land notwithstanding the Surveyor General may not have laid out the 300,000 acres of wood land, for H.M. service, provided that for every grant of land, you make, the Surveyor General, do lay out an equal quantity of wood land for the King's service at the same time ; a copy of which Instruction is herein inclosed. And as it will always be most advisable for you steadily to adhere to the letter of your Instructions ; this matter can want no further explanation from us. We have considered what you wrote about the tracts of land claimed by the Seignors in Nova Scotia. It does not appear to us that they are entitled to claim under the Treaty of Utrecht ; and altho' yr reasoning upon the Queen's letter with respect to the power thereby given to the French inhabitants, to dispose of their estates may be just and true ; and that it may be reasonable that the immediate possessors of land should enjoy what they have actually cultivated, yet as to any other claims of large extent we think they should state their respective titles in their own way, that you may

1732. [435]

transmit them to us ; for without this, we shall not be in condition to take the opinion of H.M. Attorney and Solicitor General what right, or whether they may have any at all. In your letter of the 5th of October you propose ye appointment of Justices of the Peace among the French inhabitants ; it were to be wished that any English gentlemen lived near enough to that neighbourhood to administer justice amongst them, for no man can act as Justice of the Peace in any part of H.M. Dominions that does not qualify himself by taking the usual oaths appointed by Act of Parliament to be taken by all officers and magistrates. In the same letter you desire we will send you a table of fees to be taken upon the making out grants of land : but we cannot take upon us to give you any authority for this purpose, yet we believe the persons that keep advantage from grants of land will have a reasonable consideration for the trouble of the King's officers provided the same do not exceed what is commonly paid in other colonies. We are very much obliged to you for having given us so particular lights into the state of Nova Scotia. We shall endeavour to make the best use we can of them, and when we have done so, you shall hear further from us. For the meantime we would advise you to keep a strict eye upon the French missionaries that they do not encrease in number beyond what is necessary for the service of the French inhabitants ; and to repeat the Orders to the people settled upon the River of St. John, to retire out of the Province, they being, as we suppose, no part of the old French inhabitants in Nova Scotia and consequently not entituled to any of the benefits of the Treaty of Utrecht. So we bid you heartily farewell etc. [C.O. 218, 2. pp. 263—267.]

Nov. 2.
No. Carolina.

436. Governor Burrington to Mr. Popple. *Abstract.* Acknowledges letter of 21st June and duplicate of 10th June, 1731, answered by him on 10th May. Abundance of saw-mills are erecting for the timber trade. Trade increases pretty fast and the province flourishes, but awaits orders from the Board before altering laws. *Refers to* his letter of 20th Feb. etc. Indian affairs continue satisfactory. Small acts of hostility now and then in hunting occur between their Indians and the Cataubes of S. Carolina, but these they consider to be for their advantage, since the Indians love and will be doing a little mischief, and would rather they should do it upon their own tawny race etc. Has been delayed by his sickness in settling the Militia, but will soon set out to finish it etc. *Set out*, N.C. Col. Rec. III. 368. *Signed*, Geo. Burrington. 1½ pp. *Endorsed*, Recd. 10th April, 1733, Read 1st Aug. [? 1734. *Ed.*]. [C.O. 5, 294. ff. 114—115, 116 v. (*with abstract*).]

Nov. 3.
S. Carolina.
Charles Town.

437. Governor Johnson to the Council of Trade and Plantations. In pursuance of Your Lordship's commands signified to me by Mr. Popple's letter of the 16th June last, I have strictly inquired into, and do now transmit your Lordships the best account I can of the laws made, manufactures sett up or trade carried on here, that do in any way affect the trade or navigation

1732.

[137]

of Great Brittain, and shall punctually obey your Lordships' commands in transmitting to you annually such an account. And first for the Laws, there are not any that I can learn more than one for laying a duty of one half per centum on goods imported from Great Britain for paying and supporting a watch in Charles Town, which will expire the next Session of the General Assembly, and shall not be again revived. H.M. having instructed me to the contrary. Secondly as to manufactures that may interfere with those of Great Britain, here are scarce any worth naming, some few fine hats are made but not a tenth part of what we import from Great Britain, some calves' skins for shoe leather are manufactured, but no large quantity, from 12 to 15000 sides sole leather are annually shipt off to the other Brittish settlements, but a greater value of shoos are imported from Great Britain, for men, women and children. About 2000 yards of course cotten with wollen mixt cloth for negro clothing is annually made here, but above 70,000 yards, imported from Great Britain for that use. Our staple commodities which are exported are rice one year with another about 50,000 barrels each 400 lb. nett. Great quantitys of tarr, pitch, turpentine and deer skins, some attempts have been made to produce silk, hemp, flax, pottash, and very lately scale board and lamplblack, but not any of the former have afforded the undertakers a suitable encouragment: and the two last are still on tryal. Our staple commoditis are chiefly exported to Great Britain, from whence we receive all our linnens, cottons, wollens, and India goods, coarse and fine hatts, thread, worsted, and silke hose, great quantitys of shoos for men and women, and great numbers of negros from Africa, which makes the ballance of trade much in our disfavour and consequently renders it difficult if not impossible to retain any gold or silver coin amongst us. The other branch of our trade to the Brittish Plantations is very inconsiderable, but the ballance of trade with them also is in our disfavour, which causes them to return our produce to Great Britain, which they receive for our ballance. To those places we send pitch, tarr, rice, turpentine, tann'd sole leather, and light deer skins, Indian corn, and pease, small or refuse rice, pine, and ceedar, boards, oak staves and heading, barrelled pork and beef. And have in return flower, biscuits, some axes, cyder, rum, sheep, some few horses, aples, and onions, molasses, muscoveda sugas, lyme juice, and cacao. The shipping belonging to the Province are but few, not more than one brigantine, and four or five small sloops *etc.* Signed, Robt. Johnson. Endorsed, Recd. 22nd Dec., 1732. Read 27th Aug., 1735. 3½ pp. [C.O. 5, 364. ff. 155—156 r., 157 r.]

Nov. 3.
Whitehall.

438. Mr. Popple to Mr. Spurrier. In reply to petition from Poole, encloses Mr. Fane's opinion on Act for encouraging the *Greenland Fishery etc.* [C.O. 195, 7. pp. 278, 279.]

Nov. 4.
Sheerness.
Lisbon.

439. Capt. Fytche to Mr. Popple. I desire you to communicate the inclosed to the Honble. the Lords Commissioners for Trade and Plantations, and that the season for the whales comeing

1732. [439]

upon that coast, being just come in don't doubt but they will make succesfull voyages : by the encouragement they have already mett : I am well assured by the principal person concerned in that Fishery that double the number of sloops will be there both on the codd and whale fishery next year *etc.* Will transmit his answers to Heads of Enquiry on arrival in England. *Signed*, Robt. Fytche. *Endorsed*, Recd. 21st Nov., 1732. Read 6th March, 1733. 1 p. *Enclosed*.

439. i. Scheme of Whale Fishery at Canso, 1732. Sloops from New England, of 40 to 50 tons burthen ; 14 men and 2 boats to each sloop. 22 whales killed between 1st Sept. and 8th Oct. 2000 tons of oil made, at £12 pr. ton, 12,000 lb. bone at 2s. 6d. pr. lb. Several sloops returned to New England besides, with whale on board, not having casks to preserve their oil. *Signed and endorsed as preceding.* $\frac{2}{3}$ p.

439. ii. Scheme of Fishery at Canso, 1732. British ships, 1 of of 50 tons ; sack ships, 12, of 50 to 100 tons burthen ; American ships, 8, 30 to 50 tons ; schooners and sloops, 80, of 15 to 36 tons. Men belonging to British ships, 6 ; sack ships, 105 ; to ships from America, 41 ; to schooners and sloops *do.*, 450, 4 by boats kept by the latter. Passengers, none. Quintalls of fish made by British Fishing ships, none : by ships from America, none : by schooners and sloops from *do.*, 25,176 ; by inhabitants, 1200 ; carried to foreign markets, 26,370 ; to New England, 500. Train oil, made by inhabitants, 10 tons. Price of fish, 12s. 6d. pr. quintal ; of train oil, £12 pr. ton. Tars, and seal oil, stages and train fats, none. Inhabitants, exclusive of garrison, 20. No fishermen stayed the winter. *Same signature and endorsement.* 1 p. [*C.O.* 217, 6. ff. 141, 142—143 v., 144 r.]

Nov. 6.

440. Charter party of the ship *Ann*, 200 tons, between Samuel Wragg, of London, part owner, and John Thomas, master, and the Trustees for Georgia *etc.*, to sail from Gravesend to Beaufort Town, S. Carolina, with merchandize and from 70 to 100 passengers. The passengers to have four beef days, two pork days and one fish day in every week. The ship to carry 84 butts of water, 8 tons of beer, forty cwt. of beef, 19 cwt. of pork, 60 cwt. of bread, with a sufficient quantity of fish, flower, pease, butter, suet and plums. The passengers to be served out daily their allowance, to wit, for every mess of five men, on beef days, 4 lb. beef and $2\frac{1}{2}$ lb. of flower and $\frac{1}{2}$ lb. of suett or plums ; on pork days, 5 lb. of pork, $2\frac{1}{2}$ pints of pease ; on fish day, $2\frac{1}{2}$ lb. fish, and $\frac{1}{2}$ lb. butter. Each man to have 7 lb. of bread, of 14 oz. the lb., pr. week and two quarts of beer pr. diem. for 6 weeks. 35 cradles to be built between decks and unloaded at Beaufort. £4 sterl. to be paid pr. head *etc.*, persons aged 7 to 12 to count two for one, 2 to 7, three for one *etc.* [*C.O.* 5, 670. pp. 27—30.]

1732.
Nov. 7. **441.** Commission by the Trustees for Georgia *etc.* appointing Peter Gordon first bailiff, William Waterland second, and Thomas Causton third bailiff, and Thomas Christie Recorder of Savannah, and Joseph Fitzwalter and Samuel Parker Constables and John West and John Penrose tything men. *Copy.* [C.O. 5. 670. pp. 17—20.]
- Nov. 7. **442.** Commission by *Same* appointing Peter Gordon, William Waterland, Thomas Causton, Thomas Christie, George Syme, Richard Hodges, Francis Scott and Noble Jones Conservators of the Peace in Savannah. [C.O. 5. 670. p. 21.]
- Nov. 7. **443.** Commissions by *Same* empowering James Oglethorpe to administer the oaths to bailiffs, recorders, constables and tything men and conservators at Savannah. [C.O. 5. 670. pp. 22—25.]
- Nov. 8.
Kensington. **444.** Circular letter from the Duke of Newcastle to H.M. Governors of Barbados, Carolina, S. and N., Virginia, Maryland, N. York, N. Hampshire, Maryland and Pennsylvania. Mr. Oglethorpe a member of Parliament and one of the trustees appointed by H.M. Letters Patent for the settling of a colony of H.M. subjects on the borders of Carolina, being willing to go in person thither to inspect its first establishment: I desire that if yr. Lordsp. can any way contribute to the success of an undertaking, from which so much advantage may be expected to the Trade and Navigation of this Kingdom, as well as a considerable addition to the strength and security of H.M. Colonies in America, you will give him all the assistance in your power, and any personal acts of friendship and civility that you shall do him, will particularly oblige me, who am with great truth and regard, my Lord *etc.* Signed, Holles Newcastle. *Copy.* [C.O. 324. 36. p. 279.]
- Nov. 8. **445.** Commission by the Trustees for Georgia *etc.* empowering Henry Herbert, Doctor of Laws, to perform ecclesiastical offices in Georgia, he having generously offer'd to go and assist in settling the Colony by performing all religious and ecclesiastical offices *etc.* [C.O. 5. 670. p. 30.]
- Nov. 10.
South
Carolina. **446.** J. Hamerton to Mr. Delafaye. I was so troublesome to you when in England that I should not repeat it againe at this time but on this particular occasion. The Assembly in making their Quit Rent Act, have taken upon them to provide and dispose of what H.M. has granted in the patent to Mr. Bertie and myselfe, the place of Register. By the patent the King has been pleased to grant for our lives or the longer liver the employments of Secretary and Register of this H.M. Province. The patent bears date 11 Feb. eight months before the act was made, and I imagine they might as well a' provided for the surcharges as that, we having the same right to one as 'tother; the Registry is worth sixty pounds pr. ann. sterl.; and the Secretary does not exceed £200 a year, out of which I am obliged to pay Mr. Bertie £80 a year, and

1732. [446]

a Clerke here £40. *Prays that* the Duke [of Newcastle] may take notice of it in Council when the said act is in debate, etc. *Continues*: The people here are in great confusion about their lands and quit-rents, wch. they don't care to pay, they are very obstinate and very opinionated, and without the Parliament settles the laws here, nothing will be done with 'em, in the Northern Provinces it is the same, they all believe themselves men of greater capacitys than all the Council and Senate of England, etc. P.S. I beg my humble service to Mr. Forbes. *Signed*, J. Hammerton. 3 pp. [C.O. 5, 388. ff. 51—52.]

Nov. 10.
Boston.

447. Mr. Willard to Mr. Popple. Encloses Minutes of Council of the Massachusetts Bay, March—August, and of Assembly for session in May and acts then passed; also Treasurer's general account for 1730, which was not pass'd by the Court till the last session. His account for the last year is not yet pass'd etc. Requests receipt. *Signed*, J. Willard. *Endorsed*, Recd. 22nd Dec., 1732, Read 23rd Feb., 1733. *Holograph*. 1 p. *Enclosed*,

447. i. Accounts of the Treasurer and Receiver General of the Massachusetts Bay for 1730. *Totals*:—Receipts, £175,682 17s. 11d. *Expenditure*, £135,462 15s. 3d. Balance, £40,220 2s. 8d in Province bills. *Signed*, Jer. Allen. *Copy*. *Certified by*, J. Willard. *Endorsed*, as preceding. 26 $\frac{3}{4}$ pp. [C.O. 5, 875. ff. 43, 44—57, 58 v., 59 v.]

Nov. 12.
South
Carolina.

448. Mr. Hammerton to Mr. Popple. Encloses following, which he requests may be laid before the Board. Has written to Mr. Bladen etc. *Signed*, J. Hammerton. *Endorsed*, Recd. 9th Jan., 1733, Read 17th Sept., 1735. *Addressed*. *Postmark*. 1 p. *Enclosed*.

448. i. John Hammerton to the Council of Trade and Plantations. 10th Nov., 1732. Petitioner and Edward Bertie obtained a patent under the Great Seal for the employments of Secretary and Register of S. Carolina. On petitioner's arrival there, he found to his great surprise the Assembly (in the Act for the remission of the quit-rents) had taken the branch of Register out of his office, and had disposed of it as they thought fit. The King's patent was dated 11th Feb., 1731, eight months before that act was made. Believes that this is the first time an Assembly has presumed to take to themselves an employment previously given as a freehold by the King. *Prays that* the clause in the said Act may be repealed etc. *Signed*, John Hammerton. *Endorsed as preceding*. 2 pp. [C.O. 5, 364. ff. 237, 238, 238 v., 239 v., 240 v.]

Nov. 12.
Philadelphia.

449. Lt. Governor Gordon to the Council of Trade and Plantations. Your Lordships' commands signified in a letter from your Secretary dated the 16th of June last, enjoining me to transmit what further or more particular accounts I can of any

1732.

[449]

laws made, manufactures sett up or trade carried on in this Province, which may affect the trade navigation and manufactures of Great Britain, did not reach my hands till the 28th ulto. On these heads I did myself the honour to write fully and truly to your Lordships in a letter dated the 10th of last November, since which time no change has hapned in the affairs of this Province, as fas as I know or can be informed, that may necessarily require any addition to, or alteration from, the account then given, of which I here inclose a copy and humbly beg leave to refer your Lops. thereto *etc.* P.S. The ship that brings this, would have sailed about the middle of November, but a frost then setting in, and continuing till the end of last month, the navigation of this river has all that time been quite obstructed by the ice, to the great damage of the whole Province. March 6th, 1732 $\frac{2}{3}$. *Signed*, P. Gordon. *Endorsed*, Recd. 9th May, 1733. Read 17th Sept., 1735. 1 p. *Enclosed*,

449. i. *Same to Same.* Philadia. 12th Nov., 1731. *Replies to queries of 10th June etc.* *Continues*: I know not of one law in force in this Province that can in any wise affect the trade, navigation or manufactures of Great Britain, nor do I know of any trade carried on here that can be injurious to that Kingdom: for as the merchants and trading people of this Colony principally depend on the British trade, it is their manifest interest to carry that to the greatest height they are capable. Of manufactures we have neither woollens, nor linens that are exported, but as this country chietly depends on, and subsists by, raising of wheat, with some tobacco in the lower Counties, all that the husbandmen can spare from the sustenance of their families is commonly sold by them to pay for the British and West India goods they want, and they are so far from laying up any thing in store out of their crops, that they are too generally in debt; and if they were not industrious in making some cloathing especially the coarsest sorts for themselves, their families must be left naked. Yet I have never heard that so much as one peice of woollen made in the country has been sold from the makers; those from the north of Ireland and Germans, of both which we have considerable numbers, have sometimes sold a peice of linen or two of their own making to their neighbours or others, for the buyers' own use, but, as I have said, none for exportation. The merchants and traders of this Province use their utmost industry in contriving methods to make returns for the British goods imported, and if more of such returns could possibly be made more of such goods would be purchased. Therefore all restraints on the people to prevent their furnishing themselves with necessaries by their own industry, as cloathing, iron work for building ships, houses, and the utensils of husbandry, as some have inconsiderately proposed, would have no other effect than to render so many of

1732. [449. i]

H.M. subjects much more miserable and altogether useless, without bringing any manner of benefit to Britain : for as no man sells goods but in expectation of being paid and as the country, as the case now stands, purchases as much of British goods as it can possibly pay for, 'tis in vain to oblige the people to buy more than is, what they cannot pay for. The only method therefore to make these countries more profitable to Britain I conceive with submission would be to encourage them to raise some other produce than they have hitherto been accustomed to. The rent for wheat flour and bread depends on the crops of other countries and is therefore uncertain. Returns by tobacco, peltry, pitch and tarr (which two last we receive from our neighbours) and by building of ships is somewhat more sure. It has been thought that iron would be a more certain return, but those concerned in these expensive works have from the lowness of the price in Britain been disappointed in their expectation. An encouragement has been given by our Assemblies for raising of hemp, but no great progress has hitherto been made in that commodity, tho' in time it may be more considerable. But I have earnestly press'd it on our Assemblies to promote the making of raw silk, for which this country seems to be as well fitted as most in the world, but persons skilled in winding it from the balls are wanting, and scarce any here can fall into the method, so that very small advances have hitherto been made in this produce ; yet as raising of silk is said at first to have gott footing but by very slow steps even in so populous a country as France, by proper encouragement, 'tis not improbable but in time it may also obtain in these parts. *Signed, P. Gordon.*
 2 $\frac{1}{4}$ pp. [C.O. 5, 1268. ff. 156, 157—158, 159 v.]

Nov. 14. **450.** Governor Burrington to the Council of Trade and
 No. Carolina. Plantations. *Abstract.* Acknowledges letter of 20th June and
 awaits commands therein promised. Does not understand their
 remark that his references to the late Chief Justice Smith are
 "couched in a very extraordinary style, couching being not
 customary to me," but admits that his description of Baby Smith
 requires explanation. Explains the origin of this nickname, and
 that Smith, a very idle drunken fellow was the son of a smuggling
 and bankrupt trader, though "horribly given to fibbing, and
 boasting of his family and interest." Ashe is the natural son of
 a Wiltshire gentleman. On his first coming as Governor, he
 found him a poor clerk, but gave him a good place and caused him
 to be chosen Speaker. On returning to England, he left him in
 charge of his affairs, but on his return found himself £1000 poorer,
 and Ashe become rich. He was very civil to him, however, until
 Ashe endeavoured to fix a vile scandal upon him in the affair of
 Sate and Harnett. Ashe endeavoured to obtain money for a
 voyage to England as Agent (with Baby Smith) for the Province

1732. [450]
with intent to ruin the Governor : but failing to raise the money, remained in Carolina. But he assisted in composing a sett of horrid crimes calculated to make him odious and delivered in a petition to H.M. by Smith. " I have had several controversys in writeing with the said Ashe, the last not being gone home I send by this conveyance to Coll. Bladen *etc.*, a Gentleman all men that have the honour to know will allow to be an excellent judge of such compositions." Explains his phrase about Smith *wanting an Instructor in Hanover Square etc.* Knows his conduct to be blameless and his enemies vile and implacable *etc.* Expresses his esteem and respect for the Board. Transmits drafts of Beaufort and Ocacock harbours. Next month will send a full state of the Colony and Journals of Council. " I had agreed to give ten guineas for a map of the country which was drawn for me but is sent as I am told a present to Col. Bladen which is better then if I had pay'd for it, being at this time very poor." *Set out*, N.C. Col. Rec. III. 370. *Signed*, Geo. Burrington. *Endorsed*, Reed. 11th April, 1733, Read 1st. Aug., 1734. 2 $\frac{3}{4}$ pp. [*C.O.* 5, 294. ff. 117—119 v. (*with abstract*) ; and (*abstract only*) 5, 327. ff. 20 v., 21.]
- Nov. 14. **451.** Council of Trade and Plantations to the King. *Propose*
Whitehall. (Charles Bridgewater jr. for the Council of Nevis in the room of John Richardson decd. [*C.O.* 153, 15. p. 134.]
- Nov. 14. **452.** Council of Trade and Plantations to the King. *Propose*
Whitehall. Thomas Applewaite for the Council of Barbados, in the room of Hugh Hall, decd. [*C.O.* 29, 15. p. 303.]
- Nov. 15. **453.** Memorial of George Burrington to the Duke of Newcastle. Complains of misrepresentation by William Smith C.J., *etc.* Although one year is past since Smith obtained an Order in Council for examining witnesses in order to prove his allegations, nothing has been done on his side. *Prays* that a time may be fixed for him to prove his charge. *Complains* that Smith, Rice and Montgomery have not assisted him according to their duty, but done everything to injure his authority *etc.* *Set out*, N.C. Col. Rec. III. 373. *Signed*, Geo. Burrington. 1 large p. *Duplicate.* [*C.O.* 5, 308. No. 15.]
- Nov. 15. **454.** Lt. Governor Armstrong to the Duke of Newcastle.
Annapolis. *Acknowledges* letter of 25th Sept., 1730, received late this spring, relating to damages inflicted on H.M. subjects by pirates fitted out from Spanish islands *etc.* *Refers* to his letter and return to the Board of Trade on the present state of the Province (v. 10th June). *Continues* : Which, especially this corner of it, I am sorry should be in such a poor condition *etc.*, after having been upwards of 21 years (which may be said imaginarily only) under the English Government, for the inhabitants here being all French and Roman Catholics, are more subject to our neighbours of Quebeck and those of Cape Breton than to H.M., whose Government, by all their proceedings (notwithstanding of their oath of fidelity)

1732. [454]

they seem to despise, being intirly governed by their most insolent preists, who for the most part come and go at pleasure, pretending for their sanction the Treaty of Utrecht, without taking the least notice of this Government, in spite of all endeavours used to the contrary *etc.* *Refers to his letters to the Board of Trade on these points etc.* *Continues* : I hope to be honoured with such directions as may enable me to take such measures as may curb their insolence, and preserve H.M. Sovereignty *etc.*, without being interpreted an infringement upon any treaty, or the liberty of the subject : for which purpose, as I have wrote to their Lordships, I presume also to inform your Grace, that under the disguise of a magazine, I have ordered a house to be built at Menis, where I design to fix a company for the better government of those more remote parts in the Bay of Fundy and as I hope to perfect it, notwithstanding of all the oppositions I meet with from the rebellious spirits in these parts, incited to oppose it by the Governor St. Ovid, cost what it will, so I flatter myself, as it may be agreeable to H.M., whose service is my cheif view, that it will meet with your Grace's approbation, these people being of such a rebellious disposition. I must also inform your Grace that the Indians are employed in the affair, and use for an argument, that altho' the English conquer'd Annapolis : they never did Menis and these other parts of the Province : and in consequence of such arguments instilled into them, they have actually robbed the Gentlemen of the coalliary by Chickenechua, destroyed their house and magazine built there, through pretence of a premium or rent due to them for the land and liberty of digging ; In this manner they now show their insolence to obstruct the settling of the Province, being thereunto advised, as I have been informed, by Governor St. Ovid, who tells both them and our French inhabitants, that if they permitt such designs of the English to succeed, that the Province will be intirely lost : And as such proceedings of the French destroys their allegiance, and those of the Indians, the Articles of Peace concluded with them both here and in New England : I must upon these circumstances beg your Grace's advice, and acquaint you that in case of a rupture, the four Companys at Canso (from whence a detachment of 30 men is ordered to assist and attend Col. Dunbar, H.M. Surveyor General of the Woods, and the British interest there), will be in great danger, having no manner of cover or place of defence, or any where to lodge amunition or ordnance stores, which I hope will be taken into consideration, to prevent that place, which is of such great consequence to Britain, from falling into the possession of any other monarch, which would certainly much affect the trade of Great Britain, as well as the American Provinces which depend thereon, it being one of the cheif places in America for the catching and curing of fish : for which reason, ever since I settled it, after the reprisals made by our neighbours of Cape Breton, upon the action of Captain Smart, they still are in hopes of regaining it, which I hope your Grace will endeavour to prevent, by moving H.M. to have it fortified : for it should at any time be retaken (considering that our French inhabitants are all at

1732. [454]

their devotion) H.M. authority through the whole Province must consequently drop : and the trade and navigation of Great Britain much impair'd, as it will also evidently affect the British plantations. They are not only strongly fortified at Lewisburgh, but they are carrying on a Fishery at Cape Gaspy, where it is said more ships now resort, than to Lewisburgh, and of no less force than from thirty to forty guns : and they are also vigorously carrying on the settlement of the Island of St. John : which proceedings of the French, as they will much affect this Province, I have therefore judg'd proper to represent them for your Grace's consideration. We have as yet no Assembly, and consequently no laws properly enacted here, nor any other Court of Judicature, except the Council : and as all acts and orders proceeding from thence are slighted and despised by the most part of the inhabitants, who live more like savages than the natives themselves, I have desired My Lords Commissioners for trade and plantations to favour me with advice, as there is here no other civil magistrates than the gentlemen of the Council, whether I may legally enforce the observance of said acts and sentences past in Council, by a military power, having no other civil authority than as aforesaid, nor any person duly quallified with the legal forms and practice of the law *etc.* *Has also* proposed the constitution of an Assembly and hopes for directions *etc.* *Refers to* his letter to the Board. *P.S.* *Encloses* following and hopes for directions. *Concludes* : But as the inhabitants apply'd to me for said two preists, I must observe that they have so far alter'd this present case for that of their former practices. *Signed*, L. Armstrong. *Endorsed*, R. June 12. 5 pp. *Enclosed*.

454. i. Governor of Cape Breton to Lt. Governor Armstrong. Louisbourg. 19th Sept. (N.S.), 1732. His absence prevented his answering letter of 17th June before. He now entrusts his reply to the two Missionaries "whom you ask for and the Bishop of Quebec has sent." *etc.* One, named M. de St. Poncis, is intended by the Bishop for Port Royal *etc.* I have strongly advised him to devote himself solely to the fulfilment of his spiritual duties, and strongly desired him not to meddle directly or indirectly in matters concerning the temporal power, and I flatter myself that in this he will follow my intentions, which will always be to live with you, Sir, in great submission. *etc.* The other Missionary is going to join M. de La Goudaly at Les Menis *etc.* *Expresses* lively regret at learning from his letter that he had occasion to complain of the latter. "He has not followed the advice I gave him on leaving here, which was always to conform to your wishes *etc.* You are master, Sir, to deal with Sieur de la Goudaly as you think fit, either to keep him or send him back *etc.* I wish with all my heart that the behaviour of this Missionary had been so conformable to your requirements that he had deserved the honour of your esteem, for in truth, Sir, it is very difficult to find workers to cultivate

1732. [454. i]

the vineyard of the Lord in a country so far from France as Annapolis Royal *etc.* *Assures* him of his lasting esteem *etc.* *Signed*. St. Ovide de Brouillan. *French. Copy.* 3 pp.

454. ii. Bishop of Quebec to Lt. Governor Armstrong. Quebec. 3rd Sept. (N.S.), 1732. Returns thanks for his protection of the Missionaries. and recommends M. de St. Poncy, bearer of this letter, *etc.* as encl. i. *Signed*, Dosquel, Evêque *etc.* *French. Copy.* 1 p. [C.O. 217, 39. ff. 50—54, 55]: and (abstract of covering letter) 217, 30. ff. 31, 31 r.]

Nov. 15.
Annapolis
Royall.

455. Lt. Governor Armstrong to the Council of Trade and Plantations. *Refers* to former letters representing the unsettled state of the Province (r. 10th June *etc.*). *Repeats part of preceding.* In reply to Mr. Popple's letter of 16th June, requesting annual returns of laws and trade *etc.*, *encloses* Minutes of Council, and an abridgment of the bullings and boundings of all patents granted since his arrival *etc.*, "of which there is none of any great consequence but that of the coalliary, if duely improven and as to my granting of it, I was moved with as much caution as possible." (r. Minutes of Council.) *Continues*: I hope the Gentlemen will not be thereby dissappointed of their expectations in drawing other adventurers to the Province, as to which I caused an advertisement to be published, and transmitted a copy to your Lordships *etc.* If the bullings and boundings are not sufficient, will prepare copies of the patents at length. *Continues*: The French continue as disobedient to the Government as ever, both in respect of their own private affairs, as to what concerns the publick, for they despise all orders (of which I have sent copys for your perusal) and obstruct everything proposed for H.M. service, as to which I must also refer your Lordships to Major Henry Cope's declaration: and as Mr. Winniet flattly denies what is therein said against him, I could no ways prosecute it, for want of further proof: But in my humble opinion he is a very dangerous person to be of the Council, where there is anything of moment to be transacted, being not only related to a great many of the French by marriage, but a trader amongst them, and in order to ingratiate himself farther into their good opinion of him, for views of profite, is their chief adviser and agent, and ready to sacrifice the publick well to his own private interest. *Enquires* as to power to enforce acts as in preceding. *Continues*: Hitherto they slight all, both as to private and publick affairs: and as it is to be fear'd that without some legal coercive power, they will never be brought either to do mutual justice to one another (of which there are daily complaints) or to pay that respect which is due to H.M., so I hope your Lordships will inform me, whether I may not for such defaults, upon complaint made, by a military power, having no other civil, legally destrain or imprison, till such sentences or acts of Council are duely obeyed *etc.* *Continues*: I design'd to have visited Menis and several other parts of the province, but Lieut. Governor Cosby's comportment *etc.* hath intirely defeated

1732.

[455]

my designs, *etc.* *Hopes* for a decision upon their dispute, Cosby having refused to serve under his command *etc.* *Requests* answer to the Council's representation in relation to Governor Cosby's sitting president *etc.* Mr. Winniet his father in law behaves himself in manner as aforesaid *etc.*, and with such contempt as to attend the Council but only when he pleaseth. *Continues* : I desire your Lordships' advice, whether upon such suspicions, his contempt, and the report made of his being the person that discovered and insinuated to the French or Indians, or both of them, the intent of the house ordered to be built at Menis, I may not therefore suspend him, such discoveries being of fatal consequences, and highly dishonourable to H.M. Government, and I must inform your Lordships, that as Governor Cosby hath prevented my going to Menis, so hath the discovery made, as is said, by Mr. Winniet, hindered the finishing of the house for this season, tho' the materialls are all ready to be joyned together ; the Indians being incited as well as our French inhabitants, by Governor St. Ovid, as I am informed, they went to consult, by all means, cost what it would, to obstruct it, otherways the country would be intirely lost ; I must also inform your Lordships that such insinuations hath also affected the coaliairy at Williamstoun by Chickenectua, for the Indians have under a pretence of a premium or rent due to them for the land and liberty of digging, plundered and destroyed the proprietor's house and magazine, as to which, and their insolent behaviour, I beg the favour of your advice, for they have thereby broke through the treatys of peace stipulated with them, both here and in New England, as well as such of the French as are their advisers and inhabitants here, have forfeited their oath of allegiance. If any rupture should happen, it shall not be my fault, as you may judge from my orders on the Minutes of Council ; But I must beg leave to inform your Lordships that the four Companys at Canso from whence is detached a party of thirty men with two officers, to attend and assist Colonel Dunbar at Frederick's Fort, and the place itself, if such a thing should happen, will be in very great danger of being lost, having no place of defence, not anywhere to place a sufficient quantity of amunition and ordnance stores *etc.*, besides being at such a distance, and having but seldom any conveyance, we can send them but little, if any assistance from hence ; and I must also inform your Lordships, that the French have an eye upon that place ever since my endeavoure of settling it upon their reprisals made for the action of Captain Smart ; It is, if duely considered, a valuable place, and therefore I hope you'l endeavour to have it fortified, for if it should be retaken, H.M. authority in this Province must consequently also drop ; for they are not only strongly fortified at Lewisburgh, but are vigorously carrying on the settlement of the Island of St. Johns, where they already have a great many familys ; and as I am informed will have a great many more next year ; Besides they have, by the same information, settled a Fishery at Cape Gaspy, where more ships resort to at present than to Lewisburgh, and of no less force than

1732.

[455]

from thirty to forty guns and as all such proceedings (considering also that our inhabitants are at their devotion) may create a jealousy : I thought therefore proper to communicate the same to your Lordships *etc.* *Signed*, L. Armstrong. P.S. Encloses letters for Bishop of Quebec and Governor of Cape Breton. (*v. preceding*). *Endorsed*, Recd. 6th March, Read 18th Oct., 1733. 5 large pp. *Enclosed*.

455. i. Lt. Governor's Orders and Proclamations, 21st Aug., 1731—11th Sept., 1732. *Same endorsement. Copies.* 16 large pp.

455. ii. Lt. Governor Armstrong's letters (i) to Major Cope and Company, in relation to the colliery at Chickeneetua, 16th Nov., 1731 ; (ii) to Alexander Bourg, the King's Procurator at Menis, to proceed with the collection of H.M. rents *etc.* and render an account of them. 28th March, 1732 ; (iii) to Col. Dunbar, requesting him to send Deputys to make a survey, there being several people who desire grants *etc.* 21st April, 1732 ; (iv) Report of the Committee of Council on the state of Nova Scotia. 29th May, 1732 ; (v) Lt. Gov. Armstrong to the Governor of Cape Breton, forwarding application of the "inhabitants of this River" for two priests, whom he desires him to send. If they act with discretion, they will have the liberty and protection promised by the Treaty of Utrecht. De Godalie has both behaved basely, and, to excuse himself, given himself the lie in his letters *etc.* 17th June, 1732 ; (vi) *Same* to the Deputies of Menis. Hearing that some Indians, prompted by evil-minded persons, have threatened the person employed to prepare the timber for the magazine intended to be built there, commands the inhabitants not to molest the undertaking *etc.* 1st Aug. 1732 ; (vii) *Same* to Governor Belcher. 11th Sept., 1732. It is apparent to everyone, that all our troubles proceed originally from the French by the influence they have over the Indians, which they will always maintain, while our English merchants employ them to sell their goods to the Indians, whereby they keep us at a distance, make the latter depend upon them, engross the whole management of the fur trade, and run away with the profite *etc.* *Thinks* that if brick houses were erected in this province, as in Massachusetts, especially at St. John's River, it would be a means of bringing those Indians, the most powerful tribe in the province, to entire dependence upon them. But as no fund can be raised here, proposes that it be submitted to the General Court of Massachusetts that a house may be erected at the expence of that Government on the same footing as that at St. George's *etc.* *The whole endorsed as covering letter. Copies.* 12 pp.

455. iii. Minutes of Council of Nova Scotia. 19th July, 1731—11th Sept., 1732. *Same endorsement.* 26½ pp.

1732.

455. iv. Abstracts of grants of land by Governor Philipps and Lt. Governor Armstrong. 3rd July, 1731—25th July, 1732. Grants to Major Alexander Cosby; Peter Blin of Boston; Major Henry Cope and Co.; Major Paul Mascarene; Samuel Douglass; James Horlock; John Dyson; Capt. John Jephson; John Hansole; Francis Wetherby. *Same endorsement.* 10 pp.
455. v. Governor Belcher to Lt. Governor Armstrong. Boston. Oct. 9, 1732. Will submit his proposal (*v. encl. ii.*) to the Assembly, but doubts his success, as it would not be in the power of that Government to command the block-house and its own goods *etc.* Thinks the Province may be brought to send a sloop with goods for the Indians, spring and fall *etc.* *Signed, J. Belcher. Same endorsement. Copy.* 1 p.
455. vi. Bishop of Quebec to Lt. Governor Armstrong. Quebec. 3rd Sept. (N.S.), 1732. He commends to his protection a priest he is sending, as requested, to Annapolis Royal. Proposes to visit him on his return from France *etc.* *Signed, Dosquel, Eveque de S. A. de Quebec. Same endorsement. French. Copy.* 1 p.
455. vii. Governor of Cape Breton to Lt. Governor Armstrong. Louisbourg. 19th Sept. (N.S.), 1732. Recommends two priests, M. de St. Poncis and de la Goudaly, *as preceding*, whom he has instructed to devote themselves to their spiritual duties and to obey the Governor *etc.* *Same endorsement. French. Copy.* 3 pp. [*C.O.* 217. 6. ff. 208—210, 213—220 *v.*, 221 *v.*, 223—248 *v.*, 249 *v.*, 250, 251, 252—253 *v.*, 254 *v.*, 255 *v.*; *and (abstract)* 205—206.]

Nov. 15.
Whitehall.

456. Mr. Popple to Mr. Scrope. Requests 100 copies of each of the four following acts, passed in 1730 and 1731, for the use of the Plantations: (1) *Act for importing from H.M. Plantations in America, directly into Ireland, goods not enumerated in any Act of Parliament*; (ii) *for the more easy recovery of debts in H.M. Plantations and Colonies in America*; (iii) *to prevent the exportation of hatts out of any of H.M. Colonies or Plantations in America, and to restrain the number of apprentices taken by the hat-makers in the said Colonies or Plantations, and for the better encouraging the making hats in Great Britain*; (iv) *for encouraging the growth of coffee in H.M. Plantations in America.* [*C.O.* 324. 11. pp. 311, 312.]

Nov. 15.
Bermuda.

457. Governor Pitt to Mr. Popple. Encloses following and repeats contents of letter of 27th May. Begs him to remind the Board of it, that he may have an answer soon, "the third season coming in March when I should be glad to know H.M. pleasure. I have ordered Mr. Noden to waite on you, and hope that he gratefully acknowledges in my absence the services you do me." *Signed, John Pitt. Endorsed.* Read 21st Feb., 1732. 1 p. [*C.O.* 37. 12. ff. 118, 120 *v.*]

1732.

Nov. 15.
Bermuda.

458. *Same* to the Council of Trade and Plantations. *Refers* to proceedings of Assembly upon the recommendation to grant him an adequate salary in lieu of whale-licences. (*v.* 27th May). *Continues* : Since that time they have sat again, I have recommended it to them once more, their answer was, if I would accept of the act they had formerly made, allowing me £100 a year from the publication of the said act, without taking notice of the two years they had the benefit, which I conceive by H.M. Instructions is intended to be paid me as well as the succeeding years. I thought I could not in honour concur with the said act, till I should be favour'd from your Lordships with H.M. favour relating to it *etc.* *Signed*, John Pitt. *Enclosed in preceding.* 1 p. [*C.O.* 37, 12. f. 119.]

Nov. 15.
North
Carolina.

459. Governor Burrington to the Duke of Newcastle. *Lays before* his Grace the great injuries done him by William Smith, late Chief Justice, and his confederates ; “ who nefariously invented several matters very false and scandalous against him, with design to ruin and destroy his reputation, and procure his dismission *etc.* *Refers* to their petition (? *v.* 16th Sept.). *Continues* : Your Memorialist having read the same, was induced in vindication of his character to draw up a hasty answer : several gentlemen voluntarily (in Council) upon their oaths, proved the falseness of Smith's accusations, which answer and depositions were sent to England in the same month to be laid before your Grace. It is not to be supposed Smith and his accomplices will attempt to prove their assertions, knowing the whole to be only invented. They expected those complaints would be credited, and my ruine completed by means of a great interest, they boasted to have in England : it was industriously reported throughout this country and by many believed I should be turned out of my present employment when any complaints were lodged against me. Notwithstanding one year is past since Mr. Smith obtained an order of Council for examining of witnesses, in order to prove his allegations, yet nothing has been done in the matter on his side : for that reason your Grace is humbly prayed to prefix a time for him to make out and prove the charge, or on failure thereof he may suffer according to his demerits *etc.* It was owing to the faults of some men that had the King's Commissions, the Assembly I held would do no business, many of the then members have since owned it, and expressed their concern for suffering themselves to be misled. I was unhappily deserted by the persons H.M. appointed to assist in the administration ; had an uncommon task to perform in this Government ; which from the beginning continued loose and disorderly, under the faint rule of the Lords Proprietors ; and came to nothing under Sir Richard Everard, their last Governor, who was sunk to so low a degree as to be contemptible, and the Government with him. Quit-rents, publick levies, and officers' fees were paid in Province bills at par ; they are of so little value that to be paid in such manner men in offices could not live by their places, for which reason pursuant to H.M. 19th Instruction, that fees should be paid

1732. [459]

in Proclamation money, the Officers received their dues in bills, four for one, which is the rate they were issued at and to be received in payments, with respect to silver money, except in discharge of publick levies and officers' fees, but these bills are little more than half the value rated at, extraordinary endeavours were used with the people to perswade them, this was a grievous imposition, and burthen, and is made by Smith a cause of complaint, tho' himself, and some others his associates in this clamour always took their fees in bills at four for one and encouraged the inferior officers to do the same. For my own part the little inconsiderable perquisites accruing to me as Governor, I offered to give up intirely to the Assembly, all this is proved by some depositions in support of my answer to Smith's calumnies. The said Smith, Mr. Rice the Secretary, and Montgomery the Attorney General have not assisted me, as the duty of their places required *etc.*, but invent, and foment all things they believe may prove prejudicial to the authority of Government and cause uneasiness to myself. The inhabitants have been greatly solicited, to raise money by subscription for Mr. Ashe one of the Council, to go home and manage against me, but the people would not be drawn into so great a folly, declaring throughout the whole province their satisfaction on my conduct and gratitude for the services I had done them, when formerly Governor for the Proprietors and since (by your Grace's favour) honoured with the King's Commission *etc.* *Designs* a future paper on the exact state of the Province, "and how much I have promoted the welfare thereof at my own expence, it is now in a quiet orderly state, and flourishing condition. *Refers* to his services and those of his family at the Revolution *etc.* *Signed*, Geo. Burrington. *Endorsed*, R. 6th April (from Mr. Fury). 1 large p. [C.O. 5, 306. No. 24.]

Nov. 16.
Grosvenor
Square.

460. Bishop of Durham to the Duke of Newcastle. *Abstract.* Gives his testimony to the character of Mr. Bradley, whom he knew in Worcestershire in good circumstances and credit as a lawyer, and also particularly distinguished himself in defence of the title of H.M. royal family *etc.* *Signed*, E. Duresme. *Holograph*. 1 p. *Enclosed*.

460. i. Mr. Bradley to the Bishop of Durham. New York, Sept. 18, 1732. Begs for his interest with the Duke of Newcastle on his behalf to preserve him his office *etc.* *as Sept. 18.* *Holograph*. 2 pp. [C.O. 5, 1086. ff. 56, 57, 57 v.]

Nov. 17.

461. Memorial of Messrs. Rice, Ashe and Montgomery to the Council of Trade and Plantations. *Abstract.* *Refer* to former memorial (v. 16th Sept.), complain of "still more extravagant actions" by the Governor, and apply for protection against his wrath and malice, for he sticks at nothing to crush those who submit not to his violent and arbitrary acts. (i) The Chief Justice has been forced to resign and the Assistant Judges arbitrarily replaced without any charge being exhibited against them, and this he did with only two of the Council. Mr. Little, a man

1732.

[461]

publicly accused of bribery, extortion and other crimes, has been appointed Chief Justice. (ii) Mr. Ashe complaining to the Governor that his servants had seized two of his mares and branded them with his brand, the Governor jeered at and abused him and threatened to take some of his slaves. Mr. Ashe thereafter filed an information in the General Court, but the Court decided that such suits could not be brought against a Governor in the Plantations, but must be brought in England, a most preposterous and extravagant judgment, based as they alledged on xi and xii Wm. III. *cap* xii. *The case argued.* Immediately on coming out of Court, Mr. Ashe was apprehended for publishing a scurrilous libel, as his information was stiled *etc.*, and carried before the Governor and Judge Owen. At the Governor's direction, the Judge demanded of him £1000 sterl. for bail for himself and £500 each of his securities to appear at March Court, without ever examining into the cause of commitment. Mr. Ashe refusing to comply, he was carried to the common stinking gaol, by a mittimus, ready prepared, from Judge Owen, there to continue till he complied with that demand, it being a condition in the precept and what rendered it illegal. Mr. Ashe petitioned the Chief Justice for a Habeas Corpus, who, when he was brought before him, refused to examine into the legality of the cause of commitment (altho' the King by his Instructions, and the Habeas Corpus act itself directs it) for he well knew no person was punishable for seeking a remedy by law for any injury he conceived done him; he only mitigated the bail by one half *etc.* *Prays for* protection, it being very evident that the Governor designs his ruin *etc.*, and that he has taken an effectual method by holding him under such bail, to prevent his prosecuting that affair, though the judgment of the Court refers him to Great Britain, as well as from appearing as an Agent for the country, most of the principal inhabitants (for want of an Assembly) having impowered him to represent their grievances *etc.* (iii) The Governor having exhibited a charge in Council against Mr. Montgomery, Attorney General, he filed his answer upon the day appointed, 31st Oct. After one day's hearing, the next day having been appointed for hearing Mr. Montgomery's witnesses *etc.*, the Governor perceiving that his innocence upon every article would plainly appear *etc.*, dropped the prosecution and abruptly broke up the Council, by which means the Attorney General had no opportunity of having his witnesses examined, or proofs read in Council. His Excellency has caused the charge with the depositions taken against him to be inserted in the Council Journal, with his answer *etc.*, to be sent home. This is his method in almost every case that comes before the Council; So far is he from being ashamed of such practices, that he values himself upon them, as instances of his great abilities in politicks and the arts of Government. (iv) The Governor has (on pretext of some former precedents of the Governor and Council appointing precincts, where no precincts before were, the legality of which has been denied by the Assemblies) proceeded with the advice and consent of such of the Council as are of his own appointment

1732.

[461]

etc. to divide old precincts established by law, and to erect new ones in places, where by his arts he has endeavour'd to prepossess people in a future election according to his desire ; his designs being to get a majority of his creatures in the lower House, or, if he should fail therein, as is probable, to prevent the Assembly proceeding to business, he being well assured from what has passed in former Assemblies, that the Assembly would object against such an invasion of their privileges *etc.* For he has earnestly promoted such petitions, even writing some of them himself, where there was no necessity for such precincts, some having not 30 families inhabiting them *etc.* These considerations moved Mr. Rice and Mr. Ashe to offer in Council reasons against this method, which (we have much reason to suspect) he will not suffer to be entered in the Council Journal *etc.* (v) He takes occasion at public meetings, as at Courts, of abusing, reviling and defaming gentlemen without any regard to truth *etc.* Such is the case of Mr. Moseley, Mr. Ashe, Mr. Montgomery, Mr. Swan *etc.* (vi) Since our last remonstrance to your Lordships, notwithstanding our frequent applications to him and objections against his arbitrary disposal of the King's lands, he has solely proceeded to issue many hundred warrants in undue proportions, taking to himself 2s. 6d. in silver or gold Virginia currency for every 50 acres, and this last Genl. Court, tho' the Council unaminously gave it as their opinion, that warts, ought to be issued pursuant to H.M. Instructions, yet he declared his resolution to pursue his usual method : which he perceiving Mr. Rice and Mr. Ash designed to protest against, abruptly broke up the Council, not meeting them afterwards during that term, so that they were obliged to file the inclosed protest by way of caveat in the Secretary's Office, to prevent (if possible) any more warrants issuing in such an arbitrary manner, and the consequences which would attend such a practice, vizt. either the defeating the King's intent of sealing the uninhabited parts of this Province, or very great injuries to the purchaser of such warrants, if H.M. should not approve of them. This so highly provoked him, that it is believed to be one of the principal motives of his violent proceedings against Mr. Ash *etc.* He would not receive the said protest and caveat when offered him by the Dep. Secry. *etc.* He endeavours to impose upon the Ministry by exhibiting charges against gentlemen in the Council and stifling their answers, or making answers for them, as will be apparent from some inclosed answers of Mr. Montgomery, Col. Moseley and Col. Moore : which are true and genuine answers by them made, tho' by him wholly suppressed, or altered ; which will be evident by comparing them with the Council Journals, a very vile and wicked practice *etc.* Believe he has used them in the same manner. *Pray to be* informed of any charges he may bring against them, so as to have an opportunity of vindicating themselves *etc.* *Set out*, N.C. Col. Rec. III. 375—391. *Signed*, Nath. Rice, Jno. Bapta. Ashe, John Montgomery. *Endorsed*, Recd. 13th March, Read 3rd April, 1733. 11 pp. *Enclosed*,

461. i. Remonstrance offered by Nathaniel Rice and John

1732. [461. i]

Bapta. Ashe to the Governor in Council. The Governor hath issued out a very great number of warrants for lands in undue quantities, not observing the rule of proportion prescribed by H.M., of granting lands by and with the advice of the Council, vizt. of 50 acres only for every person in the grantee's family. *Pray that H.M. Instructions may be observed in future. If the method described above be not approved by H.M., it may very much injure people who have paid their moneys to the Governor for such lands etc. Endorsed as preceding. Copy. 1 $\frac{3}{4}$ pp.*

461. ii. Reasons offered in Council by Messrs. Rice and Ashe against dividing precincts and erecting new ones by the Governor and Council alone, without the concurrence of the Assembly. *v. covering letter. Copy. 3 $\frac{1}{2}$ pp.*

461. iii. Caveat entered in Secretary's Office by Messrs. Rice and Ashe, on finding that in spite of their remonstrance (No. i.), the Governor continues to issue warrants for lands in undue proportions, requesting the Dep. Secretary to prefer the same to the Governor before making out any more warrants *etc. Copy. 1 p.*

461. iv. Writ of Habeas Corpus for producing John Ashe in Court with the cause of his commitment *etc.*, as described in covering letter. 10th Nov., 1732. *Signed, William Little, C. J. Copy. $\frac{2}{3}$ p.*

461. v. Warrant for arrest of John Ashe for publishing scurrilous libels against the Governor *etc.* 10th Nov., 1732. *Signed, Wm. Owen. Copy. $\frac{3}{4}$ p.*

461. vi. Mittimus for detaining John Ashe in gaol upon above charge, until he give bond in £1000 sterl. and his securities in £500 each to appear at the next General Court *etc. Signed and dated as preceding. Copy. 1 p.*

461. vii. Judgment of General Court, 10th Nov., 1732. Upon hearing the information exhibited by John Ashe against George Burrington, Governor, for an offence committed by him whilst Governor, the Court is unanimously of opinion that it cannot hear or determine the same, since by Act of Parliament it is ordained elsewhere to be heard and determined *etc. Signed, Wm. Little, C. J. Copy. 1 p.*

461. viii. Case of Ashe *v.* Burrington, referred to in preceding. Oct. 31st, 1732. Ashe exhibits an information against Mr. Burrington for seizing two black mares belonging to him *etc.*, on 15th Sept. Procedure thereupon. Judgment *as preceding. Copy. 6 $\frac{1}{2}$ pp. Nos. iv.—viii. endorsed as covering letter. [C.O. 5, 294. ff. 36—40, 41, 42, 43, 44—53 v.]*

Nov. 18.
Jamaica.

462. Governor Hunter to the Council of Trade and Plantations. *Encloses* duplicate of 20th Sept. Samuel Moore, one of the Council is dead. *Repeats* former recommendation of William Gordon Esq. for the vacancy; "he is Custos and Col. of the Militia to

1732. [462]

Windward, has a plentiful estate, is a man of good sense and interest in the country " *etc.* The party mention'd in his last have met with success *etc.* *Refers to enclosure iii. Continues :* The rains and floods to the Windward which have continued longer than has been known in the memory of man have obstructed in a great measure the pursuit of the slaves in rebellion, but our partys are sent out as often as it is possible or practicable ; There being an appearance of better weather at present I hope to be able to give some better account in a short time : upon the whole. I am confirm'd that they are dispers'd into small partys for their subsistence and much distress'd for want of provisions, for our partys come up frequently with new haunts lately deserted, sometimes so suddenly, that they leave their arms and other things behind them ; they have lately kill'd two watch negroes in the night time in a gentleman's plantation to Windward. I have heard of little other mischief that they have done since their derout. On the last day of the last month our Assembly met. *Refers to speech and reply encl. i. ii. Continues :* They sent up to the Council a new Party bill who made some necessary amendments which they rejected so that bill was dropt : The Council think the former bill more effectual for the purposes intended, therefore there is no great loss in that ; They sent up an other bill which was of no great consequence, wanted amendments as much as the other, and the Assembly sending a message at the same time desiring a recess, after which according to custom they do no business, the Council advis'd granting it by a prorogation for a few days and a desolution immediately after, that the country may have an opportunity of a fresh choice, which I wish may be a better for their own sake, for nothing is ask'd or expected of them but what is requisite for their safety and interest. The writts are to be made returnable the 13th day of March next by the same advice. *Signed, Ro. Hunter. Endorsed. Recd. 30th Jan., Read 28th Nov., 1733. 3 pp. Enclosed,*

462. i. Governor Hunter's speech to the Council and Assembly of Jamaica. 31st Oct., 1732. He judg'd it necessary for them to meet in order to improve the success of the parties against the slaves, who are dispersed into small gangs and much distressed. *Refers to his former advice as to the means necessary for their complete reduction. Will lay before them all information, which and the continual desertion of the negroes employed in that service will show what measures are needed. Continues :* As this service has been carry'd on at a great but necessary expence and the demands for money on that account very pressing, I must acquaint you with much concern, that all the methods which I have taken or could think of for collecting the vast debt due to the publick have had little or no effect, so that there is an absolute necessity of falling upon some more summary and expeditious method for bringing in the same *etc.* H.M. has been graciously pleas'd to grant me his leave to go to England for six months, but my earnest desire

1732. [462. i]

to see matters so settled that *etc.* the safety of the island may not suffer by my absence, as well as my late bad state of health and the season of the year determin'd me not to make immediate use of that great indulgence *etc.* Will do his utmost for the public utility and represent to H.M. their loyalty *etc.* *Copy.* 2½ pp.

462. ii. Address of Assembly to Governor Hunter. 1st Nov., 1732. Return thanks for preceding speech, and will immediately enter into the most serious deliberation upon its subject matter. Nos. i. and ii. *endorsed as covering letter.* *Copy.* ¾ p.

462. iii. Extract of Capt. [Ebenezer] Lamb's Journal, describing the pursuit by his party of the rebellious negroes, Sept. 22—24, 1732, and an attack upon one of their "towns" on a steep rocky hill, approached through a ravine, which they captured. List of provisions, arms and implements seized there. There was no plantation, *etc.* *Same endorsement.* *Copy.* 2½ pp. [C.O. 137, 20. ff. 106—107 v., 108 v.—110, 111—112, 113, 114, 115 v.]

Nov. 18.
Jamaica.

463. Governor Hunter to the Duke of Newcastle. *Refers* to enclosed copy of letter to Council of Trade. *Continues:* The low value of the produce of this island and general decay of trade of all kinds must put our Legislature under the greatest difficultys to find ways and means for the immediately necessary safety and defence thereof. They have order'd their Commissioners to instruct their Agents at home to represent this in the most humble and earnest manner. I have recover'd some measure of health but little of strength since my last, and as I have omitted nothing in my power that might be conducive to H.M. service and interest of his subjects here, in the execution of the trust he has graciously repos'd in me, your Grace may depend upon the same conduct whilst I am here, that I may still be intitled to the honor of your Grace's patronage and of subscribing myself with the greatest zeal and honor *etc.* *Signed,* Ro. Hunter. *Endorsed,* R. 3rd Feb. 1½ pp. *Enclosed,*

463. i.—iv. Duplicates of preceding letter and enclosures. [C.O. 137, 54. ff. 110, 110 v., 111 v.—113, 114 v., 115, 116—118, 120—121 v.]

Nov. 21.
Boston.

464. Governor Belcher to the Duke of Newcastle. *Abstract.* Since his letter of 14th Aug., the Assembly has met. Journals enclosed. Fears the Representatives will be so obstinate against H.M. Instructions as to run the risk of losing the Province rather than supply the Treasury as H.M. has directed *etc.* *Requests* his Grace's attention to his Speech to the Assembly, 2nd Nov., respecting the raising of naval stores *etc.* *Continues:* This climate and soil is well adapted for raising these things, and I wish the Assembly wou'd give a larger bounty for raising them. But lest they shou'd not do it sufficiently, might it not be worthy to be laid before the Parliament for their giving a good bounty to encourage the raising of these stores in the British Colonies, which

1732. [164]
 might prevent a vast sum of English moneys going to the Northern Crowns, and instead H.M. be supply'd from His own Plantations, and in return for the manufactures of Great Britain *etc.* I humbly conceive nothing could make these Plantations more serviceable to the Mother Kingdom, nor so naturally divert them from interfering with her manufactures. This is indeed what I have been aiming at ever since my arrival to the Government, and have prest it once and again upon the Assemblies *etc.* *Argues* that if the stores from America are not so good as those from the Baltic, yet they will improve *etc., etc.* Richard Wibird, member of Council of N.H., having died three weeks since, and there being only six surviving Councillors, and it being a great damage to H.M. service and the public affairs to have the Council so thin, *proposes* Coll. Joseph Sherburne, Capt. Ellis Husk and Capt. Richard Wibird, eldest son of deed., to fill the vacancies, being fully qualified according to the 8th Instruction *etc.* *Set out*, Mass. Hist. Soc. Coll. 6th Ser. VI. 216. *Signed*, J. Belcher. *Endorsed*, R. 13th January. 10 pp. (quarto, gilt edged). [C.O. 5, 898. ff. 466—470 v., 471 r.]

Nov. 21.
 Boston.

465. Governor Belcher to the Council of Trade and Plantations. *Repeats gist* of Oct. 20th. In reply to queries of 16th June, as to manufactures set up or trade carried on affecting the trade and navigation of Great Britain, *refers* to his return of Sept., 1731. Since that time there have no laws been made in the Massachusetts Bay that anyways affect them *etc.* *Continues*: Indeed since my last letter on these heads there is another paper mill set up at Falmouth in Casco Bay, but the undertakers have not yet begun on that manufacture for want of materials. As to New Hampshire there is no alteration in these matters since my last, yet I think I omitted to say, that after the passing the act there (about 10 years since) for encouraging iron works, the then Governor and Council made a grant of about 8000 of the King's lands in that Province, as a further encouragement to the proprietors and undertakers of those iron works. I also forgot to advise your Lordships that there is no impost, nor has been any impost act in that Province for 7 or 8 years. But the port is on that head open and free, and nothing coming into the Treasury that way, and the excise which is some support to that Government has decreast this last year *etc.* Will strictly observe Additional Instruction of 5th May, and inform the Board when anything new occurs on that head *etc.* *Concludes as in preceding letter* to Duke of Newcastle, on Naval Stores and Councillors. *Signed*, J. Belcher. *Endorsed*, Reed. 22nd Dec., 1732. Read 30th Aug., 1733. 13 pp. [C.O. 5, 875. ff. 112—118, 119 v.]

Nov. 21.
 Charles Town
 in
 So. Carolina.

466. Governor Johnson to the Duke of Newcastle. *Pursuant* to his 39th Instruction, he has, with the advice of the Council, called a Court of Exchequer, to be holden so often as occasion requires, "there being several informations already exhibited, for trespasses committed on H.M. lands, which I have ordered the Attorney General to prosecute. And further that I think it

1732.

[466]

highly necessary for H.M. service that a constant Court be established here. If your Grace shall approve of this proposal, it will require that a Chief Baron, Puisny Baron, Escheators and several other officers, be appointed, the allowances, or sallarys to whom will occasion some expenses, which I am wholly at a loss how to provide for : This Court being entirely erected for H.M. service, the Assembly will not be prevailed on to give any allowances to these officers, and I cannot propose any other way to defray that expense than out of H.M. revenues here " etc. Signed, Robt. Johnson. 2 pp. [C.O. 5, 388. ff. 53, 53 v.]

Nov. 21.
Charles Town
S Carolina.

467. *Same* to the Council of Trade and Plantations. Duplicate of preceding, *mutatis mutandis*. Signed, Robt. Johnson. Endorsed, Recd. 9th Jan., 1733, Read 27th Aug., 1735. 2 pp. [C.O. 5, 364. ff. 158, 158 v., 159 v.]

Nov. 22.
Annapolis
Royall.

468. Lt. Governor Armstrong to the Duke of Newcastle. Since my last dated the 15 instant., I have judged proper, upon the frequent complaints of both officers and soldiers, of the bad conditions of their barracks, to cause a survey to be made thereof, by the military and staff officers of this garrison etc. *Encloses report. Continues :* As it is absolutely necessary for the security of the place, that these reparations be speedily ordered, I beg your Grace will move H.M. to give the necessary directions etc. Signed, L. Armstrong. Endorsed, Recd. R. 12th June. 1½ pp. Enclosed,

468. i. Lt. Governor Armstrong order for a survey of the storehouses, magazines and barracks etc. *ut supra*. 20th Nov., 1732. Signed, L. Armstrong. 1 p.

468. ii. Report by the Officers of the Garrison at Annapolis Royal, 21st Nov., 1732. In obedience to preceding, report that " almost all the buildings want solid foundations, having been rais'd upon a sandy ground, which has moulder'd away into the cellars " etc. The barracks require new floors and roofs, and the men new berths and bedding, they being rotten and full of vermin etc. The ramparts of the fortifications are in good repair, except in two or three places etc. The west bastion towards the river is in danger of being wholly washed away by the incroachment of the tide, unless prevented by some work proper to defend it. The outworks are almost all out of repair, vizt. the counterscarp, covered way and glacis, and a line of palisades all round the fort is very much wanting for ye defence of the place. We desire also to represent that the place appointed for Divine Service is in danger of falling without a speedy repair, and also that the great bell of the Garrison is split whereby it's rendered unserviceable. Signed, Henry Daniell (Capt.) and 14 others. 2 pp. [C.O. 217, 39. ff. 59, 59 v., 60 v., 61, 63, 63 v.]

1732.
Nov. 22. **469.** Lt. Governor Armstrong to the Council of Trade and Plantations. *Duplicates of preceding covering letter and enclosures. Endorsed*, Recd. 6th March, Read 18th Oct., 1732. 5 pp. [*C.O.* 217, 6. ff. 256—257, 258, 258 c., 261 c.]
- Nov. 23. **470.** Commission by the Trustees for Georgia *etc.* empowering James Oglethorpe to appoint a commander of the Militia *etc.* [*C.O.* 5, 670. pp. 25, 26.]
- Nov. 29. **471.** Council of Trade and Plantations to the Duke of Whitehall. Enclose following to be laid before the King. *Annexed*,
471. i. *Same* to the Queen. Submit draughts of General Instructions and Instructions relating to the Acts of Trade and Navigation for Governor Lord Howe. *Continue*: In these instructions we have made no alterations or omissions from those which your Majesty has already approved for your other Governors in America: But we have not prepared any Instruction with respect to the additional salary which may be settled upon the Lord Howe by the Assembly, because we have already humbly represented our opinion to your Majesty upon that subject in our representation 17th Dec. last, *etc.*, which still depends before your Majesty for your Royal determination thereupon. We have likewise omitted the two articles given to Mr. Worsley (No. 99 and 100) relating to the recovery of debts in the Plantations, they being provided for by the Act of Parliament pass'd in 1731. *for the more easy recovery of debts in H.M. Plantations and Colonies in America.*
471. ii. Draft of H.M. Instructions for Governor Lord Howe. [*C.O.* 29, 15. pp. 304—413; and (covering letter only. autograph signatures) 5, 195. f. 172.]
- Dec. 2. **472.** Governor Cosby to the Council of Trade and Plantations. New York. *Encloses* Naval Officer's accounts of inward and outward entries. 29th Sept., 1731—24th March, 1732. *Signed*, W. Cosby. *Endorsed*, Recd. 9th Jan., 1733, Read Aug. 13, 1734. 1 p. [*C.O.* 5, 1056. ff. 136, 139 v.]
- Dec. 2. **473.** President Barwick to the Council of Trade and Barbados. Plantations. I have nothing at this time to interrupt you withall more then to transmit the sundry following papers this being the first opportunity *etc.* vizt. duplicates of Minutes of Assembly, 3rd Nov., 1731—4th April, 1732; Treasurer's accounts, 27th May—27th Nov., 1731 and 13th Dec.—13th June, 1732; Storekeeper's accounts; Minutes of Assembly, 5th April—20th Nov., 1732. *Concludes*: As to the Naval Officer's lists I don't find he will send them in and I am under the like incapacity of sending them as when I writ last. *Signed*, Saml. Barwick. *Endorsed*, Recd. 14th Jan., Read 23rd Feb., 1733. 1 p. *Enclosed*,

1732.

473. i. Storekeeper's account of stores of war in the magazine. Many are entered as "decayed" or "destroyed by rust." *Signed*, Samuel Durousseau. St. Anne's Castle, Sept. 23, 1932. *Endorsed as preceding*. 1 large p.
473. ii. Treasurer's quarterly accounts, 27th May—27th Nov., 1731. (*Cf.* 16th April, 1732), showing *Receipts* (details given), £1332 9s. 3d.; £856 3s. 8½d.; £1113 18s. 1d.; and £1418 9s. 8¼d. *Expenditure* (details given), £2477 10s. 7d.; £1969 2s. 7d.; £1241 17s. 3d.; and £1572 16s. 10d. *Balance in hand*, £4790 2s. 3d. *Signed and sworn to by*, Byrch Hothersall, Treasurer. *Same endorsement*. 29 large pp. [*C.O.* 28, 23. ff. 53, 54 v., 55 v., 57 v.—63 v., 64 v., 65, 66 v.—73, 74 v.]

[Dec. 2.]

474. Petition of the President and Council of Barbados to the King. We your Majesty's most dutifull and loyall subjects *etc.*, having taken into consideration the declining state of the British sugar trade, think ourselves indispensably obliged in duty to your Majesty and in justice to ourselves and this Colony to represent, that the inhabitants and their predecessours have been the chief promoters of the British sugar commerce, which has been and still may prove a very profitable trade to Great Britain, and never can interfere with the true interest thereof. That the British Sugar Plantations are commodiously scituated for trade and wars, and have within these 30 years imported into Great Britain to the value of 25 millions in sugar and other American produce (nowayes interfering with the produce or manufacture of Great Britain) which without those Plantations must have been bought cheifly with cash from foreigners. That those Plantations with proper encouragement may *etc.* be brought to import into Great Britain, directly and by way of foreign ports, upwards of two millions sterling pr. annum the greatest part of which would be taken back in British produce and manufactures, and the rest would center in Great Britain to the great advancement of the national stock, while many thousand of poor artificers and manufacturers would be maintained thereby. That the negros, buildings, utensills and other stock in those Plantations can't amount to less than ten millions (exclusive of the land) which is employed much more to the advantage of the British nation than any such sum can be in any other part of the British Dominions. That no less than 6000 seamen and 100,000 tons of British shipping may be employed in this branch of the British commerce. That this Sugar Plantation trade supports all the British Plantations in America and their fishings. The encouragement of which will keep them all united and consequently more dependant on Great Britain. But *etc.* this trade is now in a declining way and in danger of being lost to the British nation without some speedy remedy from a British Parliament. That the subjects of foreign Powers have liberty to vend their produce not only in their respective dominions, but also to most of the foreign European ports on much better terms than your Majesty's subjects can vend theirs, so as to afford to sell their sugar at

1732.

[474]

foreign marketts at least 10 pr. ct. cheaper than the British subjects and yett gain 15 pr. cent over the British planter by means of the charges of freight, commissions, port charges and other incidents that attend a double voyage. That they even supply Ireland and the British Northern Colonies upon much better terms than the British subjects by means of easier dutys to the Northern Colonies and a single direct voyage to Ireland. That they have by means of such a general rent and other encouragements in trade, increased within these few years to a great degree, far beyond the increase of the British Sugar Colonies. That many of your Majesty's British Colonies in America have liberty to carry their produce directly to several foreign ports of Europe, Ireland and elsewhere, wh. are thereby become the most flourishing Colonies. Your Petitioners therefore humble pray your Majesty's most gracious interposition that they may have the like encouragements as to the rent of the produce of their labour and soil as other British subjects now actually have for their produce, and such as the foreign sugar planters have for the like species of foreign growth, and that no foreign sugar penneles, rum, spirits, melasses or syrrups of the growth produce and manufacture of foreign Plantations or Colonies be imported into Ireland or any of the British Plantations or Colonies in America untill they have been first imported into Great Britain. Or that those several species of foreign growth do pay the like duty's upon importation into Ireland or the British Plantations or Colonies as are now paid upon their importation into Great Britain. Or that your Petitioners may have such other redress as your Majesty in your great wisdom shall judge the nature of their case to require. *Copy, certified by, Wm. Webster, D. Clerk of the Council. Endorsed, R. Jan. 15th, 1732 $\frac{2}{3}$. 2 closely written pp. [C.O. ; and 28, 40, Nos. 17, and (duplicate) 18.]*

Dec. 5.
Cockpit.

475. Mr. Walpole to the Council of Trade and Plantations. Having recd. from Mr. Whitaker (whom Mr. St. John has tho't fit to appoint his Deputy Surveyor of South Carolina during his absence in North Carolina), a letter accompanied wth. ye copy of a memorial wh. ye said Mr. Whitaker has presented to ye Governr. of South Carolina in behalf of Mr. St. John relating to ye charge and imputation against him as if he had demanded exorbitant fees ; I have tho't fit to transmit a copy of ye same with copies of some other papers concerning ye affairs of South Carolina to yor. Lordps. as what perhaps may be of use to you in ye consideration of matters relating to that Province wh. are now depending before you. Yr. Lrdps. most obedient and most humble servant. *Signed, H. Walpole. Endorsed, Recd. Read 5th Dec., 1732. 1 p. Enclosed.*

475. i. Mr. Whitaker to Mr. Walpole. South Carolina. 21st Sept., 1732. *v. covering letter.* Mr. St. John was importuned to make a favourable representation or be silent upon the Quit-rent Laws, and threatened if he did not. The enquiries he made for the observations to be submitted to Mr. Walpole in April, caused the violent proceedings

1732.

[475. i]

of which he has complained to him *etc.* Though greatly provoked, he has always addressed the Governor and those in authority in terms of the greatest respect. The Governor and Council were so very flexible in the Quit-rent law, that he fears they will too much incline to the Assembly's bill for prolonging the time for registering of titles. *Continues:* Your Honour has been pleased to take notice of an information that you have receiv'd that the Surveyors of the country are running out lands under pretence of old purchase receipts from the late Proprietors and deeds lost and burnt. As a very great latitude has been already taken in making use of the Quit-rent Act, tho' the people here are yet uncertain of the fate of it, and as there is a liberty given by that act to confirm titles under purchase receipts and old deeds burnt and lost, it is more than probable that a very extensive use will be made of this law *etc.* But Mr. St. John passes no survey in his office but what is made by the Governor's immediate warrant. There is one of a special nature (*copy enclosed*) which will shew that the Governor and Council are very open to applications of that sort *etc.*, though it must be acknowledged that when they have given their consent to a law that is prejudicial to the interest of the Crown, they can't well deny the people the benefit of it while it subsists unrepeal'd. But the greatest evil that is to be fear'd is from the sanction that the Quit-rent Law gives to the patents and the surveys made under them which the act allows to be made by any common Surveyor without any obligation upon him to return his survey into any office where it may be examined and approved, and by this means 'tis apprehended there's room left for the greatest frauds and concealments in the King's lands *etc.* *Remarks* how great a tenderness is shewn for these patents by the Governor and Council *etc.* They are everywhere specifically named. The Governor by his warrant cautions that the lands to be surveyed be not heretofore run out on any warrant or patent. In the resolves of Council *etc.*, lands holden under patents and made valid by the Quit-rent Law are particularly absolved from the method prescribed to be observed in surveying the King's lands, and yet this Darling, thus fostered and nourish'd, sweeps away from the Crown 800,000 acres of land, and at least £1000 pr. annum rent *etc.* *Illustrates* the great industry to conceal the King's lands by the Assembly's vindictive persecution of Edward North, a poor cattle-hunter, who turned his knowledge of the woods to account by acquainting newcomers where vacant lands were to be found. Thinking that he was employed by Mr. St. John to make discovery of concealed lands, they summoned him to appear before them for having committed several

1732. [475. i]

indirect practices in surveying or shewing of lands. The man living in a very remote part of the country could not give immediate obedience and was committed to prison where he lay for a month. They could not fix anything on him. Subsequently, when the man attended the Council as a witness in a private cause, the Governor in very boisterous and threatening language told him he would lay him in gaol, and hamper him for undertaking to shew people land which the Governor said was creating a disturbance, and setting people together by the ears. *Describes* his own protest on this occasion *etc.* Is certain that much the greater part of the people heartily wish that the King's Instructions were fairly and justly put in execution *etc.* They want no arguments to convince them that an equal distribution of the King's lands will add to the number of their inhabitants, bring them an accession of strength, increase their trade, and render them more useful to and consequently more worthy the consideration of Great Britain *etc.* Mr. St. John has acquainted your Honour of the disinclination of the people to register their titles according to the King's Instructions *etc.* From an exact account taken from the Auditor's Office, there have no more than 73 persons (who in all possess 61,046 acres) enter'd their titles to this day though notice has been given since 27th Nov. And yet the people of this province pay tax for 1,453,875 $\frac{1}{4}$ acres, exclusive of the lands lately taken up under the Crown *etc.* *Encloses* following reply to complaints against Mr. St. John, who is exposed to many difficulties on account of his faithful adherence to the interests of the Crown *etc.* P.S. This day John Stewart, a planter, told me that he was ordered by the Governor to petition him and the Assembly against Mr. St. John for taking a fee for his precept. *Signed*, Benja. Whitaker. *Endorsed*, as *preceding*. 7 $\frac{1}{4}$ pp.

475. ii. Mr. Whitaker to Governor Johnson. Charles Town. 21st Sept., 1732. As Deputy to Mr. St. John, Surveyor General of South Carolina, replies to complaint against latter for exacting higher fees per acre for running out land. The fee allowed by acts since 1685 was 1*d.* per acre; by the act of 1721, now in force, one penny Proclamation money, which according to the present exchange is five pence in paper currency, but Mr. St. John has never taken more than fourpence *etc.*, *etc.* *Signed*, as *preceding*. 5 $\frac{1}{2}$ large pp.
475. iii. List of fees taken in the Office of James St. John *etc.* Shows that the charges per 500 acres amount to £12 16*s.* 8*d.* Carolina money, = £1 16*s.* 8*d.* sterl. 1 p.
475. iv. Estimate of profits of Surveyor General's Office on running out 200,000 acres (though there has not been so great a quantity surveyed and returned into his office). £590 9*s.* 6*d.* sterl. *Endorsed* as *preceding*. 1 p.

1732.

475. v. Resolutions of Assembly of S. Carolina relating to Mr. St. John's fees *etc.* 25th Jan.—21st Feb., 1731/2. *Copy.* 2½ *pp.*
475. vi. Proceeding of Assembly against Edward North. 4th Feb., 1731/2. *v. covering letter.* *Endorsed*, *Reed.* Read 5th Dec., 1732. *Copy.* 3 *pp.*
475. vii. Governor Johnson's Warrant to Mr. St. John for admeasuring 500 acres in Colleton County unto the three daughters of William Wallace decd., lying within the bounds of the lands of Mr. Bellamy, Moses Martyn and Edward Cliff, purchased by John Wallis in 1717 of the Lords Proprietors and by him sold to William Wallace. 24th March, 1731/2. *Signed.* Robt. Johnson. *Endorsed as preceding.* *Copy.* 1 *p.*
475. viii. Extracts from Acts of 1685, 1693, 1694, 1698 and 1721 for ascertaining fees *etc.* *Same* endorsement. *Copy.* 8 *pp.* [*C.O.* 5, 362. *ff.* 100, 101 *v.*, 105—114, 115—118, 119, 120, 121, 122, 123, 124, 125, 125 *v.*]

Dec. 6. **476.** Mr. Fane to the Council of Trade and Plantations. Has no objection to eight acts of the Massachusetts Bay, 1731, 1732. *Signed.* Fran. Fane. *Endorsed*, *Reed.* 7th Dec., 1732. Read 18th Jan., 1733. 1¾ *pp.* [*C.O.* 5, 876. *ff.* 20, 20 *v.*, 23 *v.*]

Dec. 6. **477.** Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, Act of Nevis, 1732, for establishing the Court of King's Bench *etc.* [*C.O.* 153, 15. *p.* 135.]

Dec. 7. **478.** Lease by the Trustees for Georgia *etc.* to William Reyner, John Salmon, Charles Harrison, Thomas Smith and John Coates of London, merchants, on payment of £5 5s. 1200 acres with a frontage of half a mile on the river Savanah (200 ft. being reserved for a towing path), for making potash, for ten years, paying yearly for the last three years £3 sterl. The grantees to clear and cultivate 60 acres of wood ground within three years, and thereon to plant 600 white mulberry trees, and 6000 on 600 acres before the expiration of ten years, and not to make more than 2000 lb. of soap without leave of the Trustees *etc.* These conditions being performed, the Trustees at the end of ten years to convey to said grantees and their heirs male *etc.* the said 1200 acres at a rent of £6 per ann. The grantees not to keep or employ without licence from the Trustees any person within the limits of Georgia being a black or negro *etc.* All grants during the said term of ten years made by the Trustees, shall contain a clause prohibiting the grantees from entering into any company or partnership for the manufacture of potash, but not prohibiting any persons from making it as best they severally may *etc.* *C.O.* 5, 670. *pp.* 31—45.]

Dec. 11. **479.** Order of the Committee of Council for Plantation Affairs. The Lords Commissioners for Trade are to prepare a draught of an additional Instruction for Governor Lord Howe,

Council
Chamber,
Whitehall.

1732. [479]

empowering him to receive an additional salary, agreeable to that which was given to the late Lord Belhaven *etc.* *Signed*, Temple Stanyan. *Endorsed*, Reed. 11th. Read 12th Dec., 1732. $\frac{3}{4}$ p. [*C.O.* 28. 23. *ff.* 32, 37 v.]

Dec. 11.
Council
Chamber,
Whitehall.

480. Report of the Committee for Plantation Affairs to the King in Council. Have no objection to the draught of Instruction prepared by the Council of Trade and Plantations for Governor Lord Howe and referred to them. *Continue*: But as to the Instruction which regards the settling an additional salary upon the said Lord Howe within the island of Barbados, the Lords of the Committee have thought proper to direct the Lords Comms. for Trade to prepare a draught of Instruction *as preceding*, and humbly offer the same to your Majesty for your Royal approbation *etc.* Before 1721 (the time when this additional Instruction was first given), notwithstanding the Governors of the Plantations were by their Instructions restrained from receiving presents of any kind whatsoever from the respective Assemblys, yet it was manifestly known that annual presents were constantly offered to and received by the Governors under a pretence that their salaries were not sufficient to support the honour and dignity of their employments. In order to prevent the ill consequence of this practice, which tended to put the Governors under the power and influence of the Assemblys and to make them in a great measure dependant upon the people. His late Majesty thought proper to give an Instruction to the then Governor of Barbados and to severall others of H.M. Governors in the Plantations whereby they were authorized to receive such sum or sums in addition to their salaries from the respective Assemblys as the said Assemblys should think proper, provided the same were settled upon them, and their successors in that Government, or at least upon them during the whole time of their government there, and provided the same should be settled by the first Assembly after their arrival *etc.* This Instruction had its effect in Barbados as likewise in several other parts of H.M. Plantations. But of late several merchants, planters and others concerned in the trade to Barbados and the Leeward Islands *etc.*, have complained that the Governors had made an ill use of the said Instruction and that the methods they had taken to prevail on the Assemblys to settle such additional salaries had raised great animosities and divisions amongst the inhabitants and that the sums so settled were larger than the product of their Plantations could answer, and therefore prayed that your Majesty would be pleased to order that the said Instruction might for the future be discontinued. Notwithstanding these complaints when the merchants and traders to the Leeward Islands came to be heard before a Committee of Privy Council, they did admit that the salary of the Governors without some addition to it from the Islands was not sufficient to support the honour and dignity of their Government, and they seemed inclinable that such addition should be made provided the same were limited to a certain sum and that such sum were specified in the Instruction. The Lords

1732. [480]

of the Committee hereupon humbly observe to your Majesty that if the request of the merchants for wholly discontinuing the said Instruction should be granted, there is great reason to apprehend that the same pernicious practice of receiving presents will be revived, and that the same endeavours will be used as formerly to keep the Governors in a state of dependancy upon the people, which is the great evil this Instruction was intended to remedy. That as to the specifying in the Instruction the quantum to be settled upon the Governors, the Lords of the Committee upon a thorough consideration of this matter have reason to believe the Planters may look upon it as a prescribing a certain sum to them which without an appearance of undutifulness to your Majesty they can neither alter nor diminish and that they ought rather to be left at liberty to judge for themselves and to act freely and voluntarily, and as they shall find most suitable to the circumstances of their affairs. For which reasons the Lords of the Committee are humbly of opinion that it may be adviseable for your Majesty to approve of the Instruction which is hereunto annexed. (*v. Nos. 481, 482*). *Signed*, Temple Stanyan. *Endorsed*, Read 31st Jan., 173 $\frac{2}{3}$. *Copy. 6 pp.* [*C.O.* 28, 23. *ff.* 33—35 *v.*, 36 *v.*]

Dec. 12.
Whitehall.

481. Council of Trade and Plantations to the Committee of Privy Council. In pursuance of Order of 11th instant, transmit following, "agreeable to the instruction which was given to Lord Belhaven" *etc.* *Annexed*.

481. i. Draught of H.M. Additional Instruction to Governor Lord Howe. Whereas it has been represented to us, that the salary of £2000 pr. annum which we have heretofore thought fit to allow to our Governors of Barbados payable out of the duty of 4 $\frac{1}{2}$ pr. cent arising in that island is not sufficient for the support of our said Governors and the dignity of that our Government, we *etc.* are graciously pleased to permit and allow, that the Assembly *etc.* may by any act, or acts, settle upon you such sum, or sums, in addition to your salary of £2000 pr. ann. as they shall think proper, and you are hereby allowed to give your assent to any act or acts of Assembly for that purpose, provided such sum or sums be settled on you and your successors in that Govt. or at least on you, during the whole time of your Governmt. there, and provided the same be done by the first Assembly after your arrival in that Island. [*C.O.* 29, 15. *pp.* 414, 415.]

Dec. 14.
St. James's.

482. Order of King in Council. Approving draft of Instructions and additional Instruction for Governor Lord Howe (*v.* 11th and 12th Dec. *supra*). *Signed*, Temple Stanyan. *Endorsed*, Read 31st Jan., 173 $\frac{2}{3}$. 1 $\frac{2}{3}$ *pp.* [*C.O.* 28, 23. *ff.* 38, 38 *v.*, 43 *v.*; *and (without endorsement)* 5, 195. *ff.* 174, 174 *v.*]

1732.
Dec. 14. **483.** H.M. Instructions for Governor Lord Howe. *v.*
St. James's. *preceding and* 29th Nov. *Signed*, George R. [*C.O.* 5, 195. *ff.* 176—207 *v.*]
- Dec. 14. **484.** H.M. Instructions for *Same*, relating to the Acts of
St. James's. Trade and Navigation. *Signed*, G.R. [*C.O.* 5, 195. *ff.* 209—221 *v.*, 222 *v.*, 223.]
- Dec. 14. **485.** H.M. Additional Instructions for *Same*, relating to his
St. James's. salary. (*v.* 29th Nov. *etc.*). [*C.O.* 5, 195. *ff.* 225, 225 *v.*]
- Dec. 14. **486.** Order of King in Council, appointing Henry Dawkins
St. James's. to the Council of Jamaica in the room of Alexander Henderson
decd. *Signed*, Temple Stanyan. *Endorsed*, Reed. 29th Jan.,
Read 4th May, 1733. 1 $\frac{3}{4}$ *pp.* [*C.O.* 137, 20. *ff.* 83, 83 *v.*, 86 *v.*]
- Dec. 15. **487.** Governor Johnson to the Duke of Newcastle. In my
Charles Town. last to your Grace, I had the honour to acquaint you, that I had
appointed a Chief Baron of the Exchequer. *etc.* (*v.* 21st Nov.).
Everything is very quiet upon the borders of North and South
Carolina: Governor Burrington was indeed some time ago
apprehensive that our Indians would have disturbed those under
his government; but it afterwards appear'd there was little room
to suspect any commotion of that kind, and if any thing material
shall happen on that or any other occasion, your Grace may be
persuaded I shall always acquaint you *etc.* It is with great satis-
faction that I have the honour to acquaint your Grace, that the
Assembly have admitted Mr. Amyand to be their Clerk, by which
admission one of H.M. prerogatives here can suffer no future dis-
putes. The great sickness which raged in this Province last summer
and carried off many whites and blacks is now quite over, and the
Province is now very healthy. Mr. Purry is lately arrived with
about 120 Swiss, 50 of which are men, and the rest women and
children; they like the country very well, and are very chearfull:
I have taken care they should be provided with all necessarys,
and doubt not but the accot. they will send to their friends of the
reception they have met with, will encourage many more to come
and settle here, which will in time greatly redound to H.M. honour
and service. I cannot forbear just hinting to your Grace the
behaviour of the Surveyor General, Mr. St. John, who has a head
so unfortunately turn'd, that he has not only brought a great
deal of uneasiness upon himself, but has also given H.M. Council
and me a great deal of unnecessary trouble, he has had the
weakness to reject the advice given him by myself, Council,
and sevl. other worthy Gentlemen, and to pin his faith intirely on
one Whitaker, late Attorney Genl. (and the Craftsman amongst
us), who leads him into the most ridiculous and absurd measures,
encouraging him to despise the authority of H.M. Governor and
Council, who design to make a representation of his conduct to
the Ministry, which has been of manifest disservice to H.M., and
disturbed the peace and quiet of this Province, but the unthinking
man believes and brags that his interest in England is so great,

1732. [487]

that, let him behave as he will, all his actions will pass muster. *Signed*, Robt. Johnson. *Endorsed*. R. March 7th. 2 pp. [C.O. 5. 388. ff. 55, 55 v., 56 v.]

Dec. 15. **488.** *Same to Same.* I had the honour of your Grace's letter by Mr. Frewin recommending him to me, as I shall allways have the greatest regard to your Grace's commands and recommendations. I should with great pleasure have embraced all opportunities of serving him : but I believe your Grace will be of opinion with me, that he has put it now out of my power to do him any good, and in respect to your Grace will never do him any disservice, provided he keeps himself within moderate bounds : I will only say thus much of his behaviour that he has used me with such unparralled insolence that he may thank your Grace's recommendation if I have not provided for him as he deserves, which I believe would not have been very agreeable to him. I shall not trouble your Grace any further on this worthless subject. *Signed and endorsed as preceding.* 1 p. [C.O. 5. 388. ff. 57, 58 v. ; and (abstract) 5. 406, f. 15 v.]

Dec. 15. **489.** Governor Johnson to the Council of Trade and Charles Town. Plantations. *Repeats preceding mutatis mutandis.* *Signed*, Robt. Johnson. *Endorsed*, Recd. 22nd Feb., 1733², Read 27th Aug., 1735. 1 p. [C.O. 5. 364. ff. 160, 161 v.]

Dec. 15. **490.** Governor Johnson to the Council of Trade and Charles Town. Plantations. I did myself the honour to answer your Lordships' letter of the 16th of June relating to laws made, manufactures set up, and trade carried on in Carolina, which may affect the trade of Great Britain : I likewise in Council have acquainted his Grace of Newcastle and your Lordships, of my having appointed a Chief Baron of the Exchequer, and desired H.M. further Instructions therein. I have before me your Lordships, of June 21st relating to a paragraph of Governor Burrington's letter, intimating apprehensions he is under that our Indians are expected to make some attempt against those of North Carolina : I pretty much wonder he should be uneasy at the thoughts of that happening, because by the copy of his letter, he seems to think they deserve chastisement : and Mr. Watis's Journal, which I inclose, who we sent our agent, to demand justice of the Tuscorora Indians, will fully apprize your Lordships, of all that affair. A nation of Indians called the Catabas living within the limits of this Government, have a long time been at war with the Tuscororas of North Carolina, and it is allways the maxim of our Governmts. upon the Continent to promote war between Indians of different nations, with whom we trade, and are at peace with ourselves, for in that consistes our safety ; being at war with one another prevents their uniting against us. If any material action had happen'd on this affair, I should have been sure to have given your Lordships, a particular accot. of it, but the Tuscororas not having since Mr. Watis's parley with them before Mr. Burrington done us any damage, and the Catabas having made no expedition

1732.

[490]

upon the Tuscororas. I thought what your Lordships, might find mentioned in the journals of Council and Assembly formerly sent your Lordships, was sufficient. It is true the 5 Nations are in amity with the Tuscororas, and some of them were with the party who carried our slaves and horses away ; but we hear only from Mr. Burrington of so furious a war being likely to be carried on ; they seldom attack one another in such large bodys ; partys of 30 or 40 men go out, and if they can steal anything, and kill 2 or 3 old women or men, they soon return contented. 'Tis only such a war that we hear of yet. Indeed if again the Tuscororas had insulted and robbed our planters, I believe we should have been obliged to have headed their enemys the Catabas against them, and then your Lordships, should have had an accot. of it. The great sickness which has reigned among us is now quite over, and particularly in my family, excepting my Secretary who is still very weak by a relapse, which has prevented my sending so soon as I design'd the last Journals of the Upper and Lower House of Assembly which I now do. The Assembly met the 12th of this month, and admitted Mr. Isaac Amyand to be their clerk by my Commission, agreeable to H.M. sign manual : and adjourn'd till after the holydays. I should have been very glad to have received your Lordships, objections to the Quit-rent Act, that I might have endeavour'd to have got such alterations made as your Lordships, thought necessary. *Repeats part of letter to Duke of Newcastle.* All H.M. officers in this Governmt. as well as the Capt. of the men of war have desired to have land in this Province at the usual annual quit-rent of 4*d.* Proclamation money p. 100 acres : Some of them are not strictly qualify'd by having the number of persons in their familys in proportion to the land granted, but the Council and myself thought this mark of favour to H.M. officers would not be thought amiss, since H.M. revenue is no way hurt thereby, they paying the same quit-rent that others do for such lands : except the Surveyor General who has a warrant for 6000 acres, no other has above 2000 acres, some 1000 and some 500, the Council have 6000 each but all except 2 or 3 of them have souls in their familys to qualify them for so much ; they all take it at the same rent as others do. I gave your Lordships, an accot. that I had advice the Spaniards from St. Augustine were about resettling the Province of Apalacha : we have since an accot. from our Indian traders that a party of Spaniards upon their march there with a good many horse loads of necessarys for that settlement were fallen upon by the Indians and destroy'd ; but we know not what nation did the mischief. About five months ago we had two white men kill'd in the road to the Creek Nation, not certain yet by whom ; and six days ago I had an accot. three white men are kill'd in the road to the Chikesaws, we suppose by the French Indians called the Chocotaws ; the last accident we don't so much wonder at as the first, those white men venturing too far ; but the other gives us great pain, because it is what we can't acct. for the reason of it. I acquainted your Lordships, with Governor Burrington's way of construing H.M. Instruction relating to the boundaries of the two Provinces, which is very

1732.

[490]

necessary should be settled ; I must therefore beg your Lordships' explanation of the said Instruction ; I shall only observe that it will be very inconvenient, Wacamaw River should be the boundary, for the mouth of it comes into Wynea Bay, where we have a great settlement and a collector of the Customs, who can't prevent illegal trade if that be ; for a ship may go a little way up Wacamaw River, and then is in North Carolina Government, and out of his jurisdiction, as has already been a plea ; I inclose his advertisement and mine. Your Lordships send your packets for Governor Burrington to me, but I apprehend they will get to hand sooner by way of Virginia, for we have very little correspondence with North Carolina, and they may lie a great while. *Signed*, Robt. Johnson. *Endorsed*, Recd. 22nd Feb., 1733 $\frac{2}{3}$, Read 27th Aug., 1735. 4 $\frac{1}{2}$ pp. *Enclosed*,

490. i. (a) Advertisement by Governor Johnson in reply to following. Announced that the Government of S. Carolina are awaiting H.M. decision as to the boundary with N. Carolina, apprehending that the omission of the word "mouth" of the Wackamaw river from the Instruction was a mistake in the wording of it *etc.* *Cutting from S. Carolina newspaper*, Nov., 1732.

490. i. (b) Advertisement of Governor Burrington. N. Carolina, Sept. 11, 1732. *Quotes* H.M. Instruction, 104, to himself and Governor Johnson, relating to the boundaries, and gives notice that the rights of purchasers of lands from the late Lords Proprietors on the north side of Wackamaw river, or in any other part between Cape Fear River, and the line given by H.M. to this Government, will be deemed good by this Government *etc.* *Cutting from S. Carolina newspaper*, 21st Nov., 1732. *Endorsed*, Recd. 22nd Feb., 1733 $\frac{2}{3}$.

490. ii. Governor Johnson's Instructions to William Watis, 10th April, 1732. Depredations having been committed by the several parties of Tuscorora Indians of N. Carolina, Watis is to acquaint Governor Burrington with the particulars, and request him to send for the Head men to meet him in order that he may obtain satisfaction *etc.* *Signed*, Robt. Johnson. 2 pp.

490. iii. Journal of Mr. Watis' mission to the Indians in North Carolina. At Edinton, 10th May, 1731, he spoke with William Blunt, the intended King of the Tuscaroras, and Capt. George and six other Indians who has been sent for by Governor Burrington to meet him. He told them that he was instructed by the Governor, Council and Assembly of S. Carolina to ask why they came into that Province and took away their slaves, killed their cattle and free Indians living there. They replied that it was not they, but the Senecas who had done it. He replied that this was false, he had seen their tracks all along the path to Cape Fair *etc.* They admitted that they had promised to come no more into the S. Carolina settlements, but said that last fall

1732. [490. iii]

some Indians came to the head of New River and killed Capt. Jacks and one more of their people, and a party of Senecas coming to their town, to go against the Catabos's, they went out with them, and coming to that place followed the track to the head of Wacamaw River, and did believe they came down that river into our settlements, and that they found a small fort with some Indians, between Santee and Winyaw rivers, at a white man's plantation, and in the night they went up to the fort and fired in, but could not tell if they killed any or not, and so returned directly. Taxes them with other depredations. They said they did not want war with us : it was the Senecas who had done these things *etc.* The Governor said it was evident it was they who had done it. They refused Watis' demand that they should pay for the damage they had done and deliver up the slaves they had taken. They refused, saying the Senecas who had done it must pay for it. On being threatened with punishment and war with the Catabas and white men, they asked why we could not let them that were Indians alone to make war against Indians without our meddling with it. Replied that they might, so long as they did not come into our settlements and raid our slaves and cattle *etc.* The Governor said that the people of S. Carolina had all the reason in the world to be angry with them, and invited them to pay the damages demanded, for if the S. Carolina Indians came against them, he would give them no assistance, and if the white people came against them, he himself must be against them. They replied that they would not pay anything, but would not come into our settlements any more, but could not engage for the Senecas not coming *etc.* 7½ pp.

490. iv. Governor Burrington to Governor Johnson. N. Carolina. 11th May, 1731. *Acknowledges* letter by Capt. Watis. *Continues* : We are all very certain in this country that the Tuscarora Indians are very great scoundrels, they have been before we in Council examined, and interrogated by Capt. Watis, most of the facts charged on them fully proved, yet they absolutely refuse to make any satisfaction. The good people in this Province are far from liking the vile practises of these fellows, and will not assist them on any occasion, but rather favour any men you send against them. These Tuscaroras were in a very peaceable and quiet way before Sr. Richard Everard was Governor, but they are absolutely at this time without any Government among themselves *etc.* *Signed*, Geo. Burrington. *Copy.* 1 p. Nos. ii.—iv. *endorsed*, Reed. 22nd Feb., 1732½. [C.O. 5. 364. ff. 162—165, 167—168 v., 169 v., 170 v.—172, 173, 174, 175, 176, 177, 178, 179, 180, 181 v.]

1732.

Dec. 18.
St. James's.

491. H.M. Warrant appointing Henry Dawkins to the Council of Jamaica in the room of Alexander Henderson decd. *Countersigned*, Harrington. *Copy*. [C.O. 324, 36. p. 380.]

Dec. 18.
New York.

492. Governor Cosby to the Council of Trade and Plantations. *Abstract*. Will hold Courts of Chancery, in accordance with the Board's letter of 4th Feb., and examine into the quit-rents *etc.* Awaits H.M. directions concerning French encroachments amongst our Indians. Has reminded the Governor of Connecticut of his promise to transmit to the Board an authentick copy of the laws. In reply to letter of 16th June, can discover no manufactures set up or trade carried on in the province that may in any way affect or prejudice the trade, navigation and manufactures of Great Britain. Refers to the Laws which he will transmit as soon as possible. *Continues*: The inhabitants here are more lazy and unactive than the world generally supposes, and their manufacture extends no further than what is consumed in their own families, a few coarse Lindsey woolseys, for cloathing, and linen for their own wear, the hatt making trade here seemed to promise to make the greatest advances to the prejudice of Great Brittain. But that the Parliament, having already taken into their consideration, needs no more mention, whatever new springs up that may in the least affect and prejudice the trade or navigation of Great Brittain, shall be narrowly inspected and annual returns of your Lordships' Queries constantly sent *etc.* *Set out*, Doc. Hist. N.Y. I. 491. *Signed*, W. Cosby. *Endorsed*, Recd. 15th, Read 27th Feb., 1733. 2 $\frac{1}{3}$ pp. [C.O. 5, 1056. ff. 17—18 v.]

Dec. 18.
New York.

493. *Same* to the Duke of Newcastle. Duplicate of preceding, *mutatis mutandis*. Adds abstract of his answers to the letters of the Board of Trade. Acknowledges his Grace's commands of 16th July. *Set out*, N.Y. Col. Docs. V. 940; and N. J. Archives, 1st Ser. V. 322. *Signed*, W. Cosby. *Endorsed*, R. 19th Feb. 8 pp. [C.O. 5, 1093. ff. 256—259 v., 260 v.]

Dec. 18.
New York.

494. *Same* to Mr. Delafaye. *Abstract*. *Refers to preceding*. Acknowledges his many obligations to him. Their long friendship will entitle him to the continuance of his favour. Urges removal of Mr. Alexander, who is very obnoxious to most in the Council and every honest man, having the character of a very tricking dishonest man. He was a schoolmaster on board one of H.M. ships and turned out for being a Jacobite. By his tricks and oppressions has made his fortune here as a lawyer. Mr. Delafaye's nephew is a great favourite with them, and he is to do something essential for him and his sister Phanny in giving them some tracts of land *etc.* *Set out*, N.Y. Col. Doc. V. 942, and N. J. Archives, 1st Ser. V. 325. *Signed*, W. Cosby. 2 $\frac{1}{3}$ pp. [C.O. 5, 1093. ff. 261—262.]

Dec. 18.
New York.

495. *Same* to the Council of Trade and Plantations. *Abstract*. Has enquired strictly into every circumstance that may contribute

1732.

[495.]

to the good of trade and welfare of these Provinces *etc.* Recommends Henry Lane to supply place of Robert Walters, decd., in the Council of N. York, and Daniel Horsmanden that of Wm. Provost also desires to be transferred to the Council of New Jersey whither he has lately removed *etc.* James Alexander, a member of both Councils, is very unfit to sit in either. He is the only man who has given him any uneasiness, and during the President Van Dam's administration swayed him in everything that was irregular and since has clogged and perplexed everything with difficultys that relate to the Crown *etc.* Recommends in his place Joseph Warrell, whose behaviour justifies Lord Malpas' recommendation of him before he left England. Postpones recommendations for the three other vacancies in New Jersey till he meets the Assembly there early in the spring. Proposes Wm. Dick, Capt. of one of the Independent Companies, in the place of Alexander in the Council of New York. Thinks a gentleman of that station should be on the Council, their assistance in the particular knowledge of military affairs being very often wanted *etc.* Hopes these appointments will be made soon, as the Councils in both Provinces are very thin *etc.* *Signed and endorsed as No. 492.* 3½ pp. [*C.O.* 5, 1056. *ff.* 20—21 *v.*, 22 *v.*]

Dec. 19.
Sheerness,
Downs.

496. Capt. Fytche to Mr. Popple. *Encloses following* which the chief inhabitants and traders at Canso desired to be sent to the Lords Commissioners *etc.* *Continues:* I must own their complaints are very just; what is set forth by them being but a small part of what is there transacted *etc.* *Signed,* Robt. Fytche. *Endorsed,* Recd. 21st Dec., 1732, Read 6th March, 1733. 1 p. *Enclosed.*

496. i. Memorial of the Magistrates of Canso, deputed by Governor Philipps, to the Council of Trade and Plantation. 8th July, 1732. This port of Canso is a place of very great trade for the codd and whale fishery, and great numbers of H.M. subjects resort here during the fishing season *etc.* Refer to Governor Philipps' Commissions to them, *encl. iii.* *Continue:* We frequently meeting with opposition in the execution of the same (to the great discontent of all concerned) by those who happen to command the troops in quarters here for our protection alledging a deficiency in our authorety, we therefore humbly pray your Lordships would be pleased to signefy to us weather we may by virtue of the authorety aforesd. assert the libertys of H.M. subjects according to law or submit intirely to the military power if soe it will intirely destroy the fishery and settlement, *etc.* *Complain that* great numbers of taverns are licensed to sell liquer by the officer commanding there, and most of them soldiers, by which means the fishermen are drawn off from their duty *etc.* This " might be remedied by the power of granting licenses being left to the Justices, and the fund arising from that as well as other lawfull perquisites

1732. [496. i]

and fines might be appropriated towards the building of churches, a town house, a gaol, stocks *etc.* which might be effected by the means of some subscriptions among ourselves in two or three year at furthest.” *Continue* : Our fishing houses and rooms are yearly burnt and destroyed by the soldiers. Our servants and fishermen are frequently listed to our great detrement and that without being brought before a civill Majestrate to be sworn according to law *etc.* *Signed*, E. How, Thomas Wroe, Joshua Peirce. *Endorsed as preceding.* 1 p.

496. ii. Memorial of Merchants of the Massachusetts Bay and New Hampshire to Governor Phillips. Boston, 20th May, 1731. *Complain* of depredations committed by the garrison for several years past on the houses, warehouses, stages and flakes built by them on land belonging to them by regular grants from H.E. Have “lately received certain advice of great damages done this last winter to houses, warehouses and flakes of several shoremen, especially belonging to John Henshaw Esq. of Boston the first English settler of the said Canso whereby their several fishing vessels on their arrival with their fares of fish are wholly disappointed where to cure and make the same *etc.* *Pray* H.E. to give orders to the C.O. that such practices be not continued and that the privileges of H.M. subjects be secured *etc.*, or the settlement will be broken up *etc.* and then improved by the French, who watch all opportunities from our neglect *etc.* 67 *signatures.* *Endorsed as preceding.* *Copy.* 3½ pp.

496. iii. Governor Phillips’ Commission to John Henshaw, Edward How, Tho. Wroe, Francis Wells, Joshua Pierce, and Thomas Kilby, Justices of the Peace in the town and liberties of Canso. 18th Aug., 1730. *Signed*, R. Philipps. *Same endorsement.* *Copy.* 1¼ pp. [C.O. 217, 6. ff. 145, 146—149 v.]

Dec. 19. **497.** *Same to Same. Encloses following. Signed and endorsed as preceding letter.* 1 p. *Enclosed,*
Sheerness.
Downs.

497. i. Answers to Heads of Enquiry relating to the Fishery at Canso, 1732. (1) The inhabitants are possessed of stages, cookrooms *etc.*, by virtue of grants for lands from the Governor of Nova Scotia, for which they pay an annual quit-rent to him, upon which they build houses, stages *etc.*, but there are no rooms left at large for fishing ships. (ii) No. (iii) The Fishery is carryed on partly by people from Exeter and the West of England, but mostly by the people of New England and Nova Scotia, there has also resorted to some of Canso Islands several French fishermen and inhabitants of Cape Brittoon, also kept this year thirty boats, and had very great success, they have done it many years upon a

1732. [497. i.]

pretence of leave from the Governor : but I have forbid them to come for the future to fish at the same Islands, as it is of great damage to our Fishery and contrary to the Treaty of Utrick. (iv) In general comply'd with. (v) The servants and fishermen go all upon share. (vi) There is no fishing ships or boats kept by the English, the fishery being carried on by sloops and schooners. (vii) The inhabitants that remain the winter are very few, those mostly employ'd in cutting wood, and are settled chiefly on Canso Island. (viii) The houses being the property of the persons possessing the same by virtue of grants from the Governor, everyone builds their flakes *etc.* without controul as far as their lands extend. (ix) No fisherman is possessed of any fishing rooms, but by patent as above or by hiring them of the owners, which is frequently done. (x) There are no fishing ships, but a great many ships that come directly from England to load with fish which are all supply'd from Great Britain, and even furnish the inhabitants with bread, flower, pork and beef. (xi) There is kept at Canso by the inhabitants four publick houses, and by the soldiers ten, which are all licenced by the commanding officer there, to the great prejudice of the fishery as they encourage the fishermen to spend their wages and neglect their masters' business, besides many other inconveniencys. (xii) I have too much reason to believe that the shoarmen do trust their servants with liquors, and often more than their wages come to, so that between the publick houses and them, the poor fishermen have little or nothing left at the making up their accounts in the fall to subsist them the whole winter, to the great discouragement of the Fishery. (xiv) The New England traders do entice, and carry away seamen, fishermen, and others whenever they have an opportunity. (xv) The salt they now use is as good as usual *etc.*, and cure the fish with a sufficient quantity, the allowance being from eight to ten hogsheads for every 100 quintals of fish. (xvi) By the strictest enquiry both of the masters of ships and shoar men, I find the fault of the fishes not turning out at forreign marketts so good and in such condition as it ought, is equally owing to them boath, to the masters by taking their fish on board before it is well cured, and after sunsett, and in great dews, and by carrying a mixt cargoe which is all sold at markett for marchantable fish, when it's only (what in the stile of the fishermen is called *Tal Qual*) to the shoarmen, by not allowing a sufficient number of hands to cure the fish, and throw the piles so often as they should do, and not giving it time in the pile to swett before its carryed on board the ships, and not keeping their contracts, with masters of ships who agree with them for it at their arrival, but oblige them

1732. [497. i]

to take it on board before it is well cured, or else will dispose of it to others, who will do it, which are too many to the great detriment of this trade: how to remedie this abuse must leave to your Lordships' better judgment. (xvii) The French have a very great fishery upon the Isle called Isle Royal and Islands adjacent which is most carried on by boats but have a great many ships and schooners. I was informed there was no less than 7000 fishermen upon that coast, part of which comes annually from France, the rest remain the winter at the settlements which are many: the cheif Lewisbourgh, now a very large towne and walled in within these few years, there is mounted upon the several fortifications that command the harbour 122 great guns, besides 36 brass cannon of 42 pounders, brought over this year, the number of soldiers I cannot learn. (xviii) The Governor, or Lt. Governor grant what fishing rooms they think fitt, but whether the officers or soldiers are concern'd in the fishery cannot possibly determine. *Sheerness, Canso. 1st Oct., 1732. Signed, Robert Fytche. Same endorsement. 10 pp. [C.O. 217, 6. ff. 151, 151 r.—158.]*

Dec. 20.
St. James's.

498. Order of King in Council. Appointing Henry Peers jr., to the Council of Barbados, in the room of William Leslie decd., as proposed 6th instant. *Signed, Temple Stanyan. 1½ pp. [C.O. 5, 21. ff. 23, 23 r.]*

Dec. 20.
Whitehall.

499. Council of Trade and Plantations to the King. *Representation*, upon Order of 10th Aug., upon the Memorial of Jonathan Belcher jr., praying that Governor Belcher may be permitted to give his assent to the bill granting him £3000 *etc. Continue*: Altho' we cannot reflect without concern upon the obstinacy with which the General Assembly of the Massachusetts Bay persist in their refusal to settle a fixt salary upon their Governor for the time being; yet considering on the other hand, that the present Governor has hitherto strictly complied with the terms of your Majesty's Instructions on this head, and that he and his family must be great sufferers if he be left to support the dignity of his station out of his private fortune. We are humbly of opinion that for this time your Majesty may be graciously pleased to permit Governor Belcher to give his assent to the aforesaid bill, in expectation that some method may be fallen upon, for bringing the Assembly of this Province to a better sense of their duty. *[C.O. 5, 917. pp. 77, 77 v.]*

Dec. 21.
St. James's.

500. Order of King in Council. Approving representation of Council of Trade, and ordering that the Surveyor of H.M. lands in Nova Scotia do survey and lay out the lands desired by John Hart *etc. Signed, Temple Stanyan. Endorsed, Recd. 29th Jan., 1732½, Read 24th Jan., 1733¼. 2 pp. [C.O. 217, 7. ff. 3, 3 v., 6 v.]*

1732.

Dec. 21.
St. James's.

501. Order of King in Council. Directing the Governor of Nova Scotia to pass a grant for *abore* lands upon the terms proposed. *Signed and endorsed as preceding.* 2³ large pp. [*C.O.* 217. 7. ff. 4—5 v.]

Dec. 21.

502. Grant by the Trustees for Georgia *etc.* 500 acres to be set out by James Oglethorpe, to James Lacy, of London merchant in tail male, to plant white mulberry trees and breed silk worms. on payment of £1 1s. and rent of £2 10s. per ann. after ten years. on condition that he arrive in Georgia with 12 months with four men servants. and there remain for three years. and within ten years clear and cultivate 100 acres of wood ground, and within twenty years 300. being part of said 500 acres. and plant 1000 white mulberry trees per 100 acres of land so cleared. Not to enter into partnership for making potash (*v.* 7th Dec.) The Trustees to supply him and his four men servants with provisions (5 lb. of flower and 5 lb. of meat per week) for a year. *etc.* ; and. when requested by the grantee, to grant to such men servants as shall arrive and settle with him. lands under such conditions and in such quantities as shall by them have been then last granted to any other men servants in like circumstances. [*C.O.* 5. 670. pp. 46—55.]

Dec. 21.

503. Similar grants of 500 acres each to Roger Lacy, Joseph Hetherington, Theophilus Hetherington, and Philip Bishop. of London. merchants. [*C.O.* 5. 670. p. 56.]

Dec. 21.

504. Abstract of Governor Johnson's letter to Mr. Hutcheson. *Hopes* when Mr. Walpole is fully informed of Mr. St. John's conduct, he will have him removed from all his offices. Has been pressed by the Council to suspend him. but prefers to represent the whole matter to the Ministry. from whom he hopes for redress. It will be impossible to support the authority of the Government. and to do the King's business, if St. John and Whitacre meet with encouragement. The Assembly met the 8th inst. and with great reluctance received Mr. Amiens for their Clerk, to whom he had given a commission pursuant to H.M. Instructions (*v.* June 25). although the Assembly till now had constantly appointed their own Clerk. This is a proof of their desire to shew their duty to the King, in submitting to what they think a hard thing. Has not given any warrants to run out and survey lands pursuant to any patents from the late Lords Proprietors. and will not do so till the King's pleasure in this matter is signified to him, except in the case of the purchasers of baronies from Lord Carteret, who insist on his granting warrants to have the same survey'd as by law they ought. Has received a letter from the Duke of Newcastle to countenance those purchasers in ascertaining their lands, "but the letter is not wrote as an order from the King. but as his own desire. This very much perplexes the Council and myself, least we should herein disoblige his Grace. The Council observing a difference between the grants of these baronys, and the grants made to Landgraves and Cassiques are of opinion that

1732. [504]

I should suffer the same to be survey'd, but not to suffer them to be recorded, or to pass any grant under the Seal of the Province for the lands so survey'd till H.M. further order. Mr. Purey is arrived with about 50 men and women and children. We have allowed them all conveniences and necessarys, and about 60 who arrived some time before Mr. Purey are gone to Pureybourgh highly satisfied with their reception. $1\frac{1}{2}$ pp. [C.O. 5, 388. ff. 59, 59 v.]

Dec. 23.
St. James's.

505. Order of King in Council. Approving report of Committee, upon Address of the Representatives of the Massachusetts Bay, and ordering that no alteration be made in the XVIth and XXXth Articles of the Governor's Instructions. The Committee's report quotes that of the Council of Trade and states that, after hearing Mr. Wilks, Agent for the Province, they agree that no alterations should be made "for the reasons contained in the said report and particularly in regard your Majesty hath not, by the said 16th Article restrained the Governor from assenting to any act for issuing bills of credit to a greater value than £30,000 provided he do insert a clause in such act to prevent its taking effect till your Majesty shall have approved or confirmed the same: and that in regard the 30th Article was framed upon very mature consideration, to prevent the unwarrantable proceedings of the said Assembly in assuming to themselves such extraordinary powers of judging and determining what accounts should or should not be paid, after the money hath been raised and appropriated and even after the services have been performed which powers are vested in the Governor and Council of your Majesty's said Province" etc. Signed, Temple Stanyan. Endorsed, Recd. 15th Aug., Read 7th Sept., 1732. $5\frac{1}{2}$ pp. [C.O. 5, 874. ff. 134—136 v., 137 v.]

Dec. 23.
Boston.

506. Governor Belcher to the Council of Trade and Plantations. Duplicate, *mutatis mutandis*, of letter to Duke of Newcastle, Dec. 26th, No. 508. Set out, Mass. Hist. Soc. Coll. 6th Ser. VI. 226. Signed, J. Belcher. Endorsed, Recd. 20th Feb., Read 30th Aug., 1733. 8 pp. Enclosed,

506. i. Duplicate of Dec. 26. Encl. i. [C.O. 5, 875. ff. 121—124 v., 125 v.—131 v.]

Dec. 25.

507. Office expenses of the Board of Trade, Michaelmas—Christmas, 1732. See Journal of Council. Endorsed, Recd. 9th Jan., 1733. 6 pp. [C.O. 388, 80. ff. 64—68 v.]

Dec. 26.
Boston.

508. Governor Belcher to the Duke of Newcastle. Abstract. Has forwarded duplicate of letter of Nov. 21st. Will write more fully in a few days, when the sitting of the Assembly is over. Encloses speech at opening of session, showing the miserable condition of the Province, for want of the Assembly's granting supplies. There has not been a shilling in the Treasury for 19 months, and there is now upwards of £40,000 due to the soldiers and officers, civil and military. Cannot judge whether the

1732. [508]

Assembly will raise any money. " But as they have, my Lord Duke, taken a very extraordinary step upon H.M. Royal Instructions to me (say the 16 and 30) by addressing H.M. a third time to withdraw them, and in case H.M. will not hear them, then their Agent is instructed to apply to the House of Commons. This, my Lord Duke, is what I take to be very extraordinary, to complain to H.M. dutifull and faithfull Commons of the serenity of H.M. proceedings with his people here : I believe this is without precedent " *etc.* The justice of H.M. orders will appear plain by comparing them with the Charter. If the construction of any paragraph appears dubious, why cannot the Judges of England determine it ? " I know no reason unless that the Assembly here love to be clamorous and troublesome." *Hopes* H.M. will not recede from the 16th and 30th Instruction, " which are excellently calculated for supporting the honour of his Government, and for the peace, welfare and happiness of his people " *etc.* " As to the 16th Instruction which limits or restrains the striking of credit bills, I believe every man of thought and substance is highly thankfull that the Assembly are kept from ruining all the estates of the Province by issuing out floods of those pernicious bills : at an emission of 50 or £60,000 every man that has outstanding debts, sinks at least a fifth part of his capital, the bills growing in three or four months' time of so much less value than before such an emission : and whereas £125 of lawfull money of the Province wou'd purchase £100 str. yet £350 of the vile bills that have been issued by the Government will not at this day purchase that sum : so that to allow to any further liberty of making these bills than for the annual expence of the Province, or to extend the calling them in beyond the year in which they are issued wou'd have a direct tendency to the ruin of the King's Government and people, and wou'd prove a great fraud and cheat upon all the merchants of England, who have always large effects in this country " *etc.* The 30th Instruction exactly quadrates with the Charter *etc.* " and for His Majesty to give it up, or condescend to the House of Representatives examining the public accounts of charge of the Government, I shou'd think it wou'd be as well to suffer them to appoint their own Governour. For really, my Lord Duke, all the struggle in that matter is for power. If every account of the Province must be subjected to a House of Representatives, the King's Governour will be of very little signification. They that have the controul of the money, will certainly have the power : and I take the single question on this head to be, whether the King shall appoint his own Governour, or whether the House of Representatives shall be Governour of the Province " *etc.* *Has drawn up* enclosed state of the case respecting Instruction 30 *etc.* (v. 23rd Jan. and 23rd Dec.). *Signed*, J. Belcher. *Endorsed*, R. 26th March. 8 pp. (quarto, gilt-edged). *Enclosed*.

508. i. A letter from one in Boston to his Friend in the Country. *Discusses* the claims of the several branches of the Government to the power of allowing the accounts of charges and ordering their payment. *Argues* that

1732. [508. i]

by the Charter of 1692 the Governor and Council have this power, without any previous allowance of the General Court. The dangers of embezzlement and misapplication are greatly exaggerated. Any sums that may have been misapplied the 29 years that the Governor and Council have quietly enjoyed this power, will not amount to one tenth part of the charges the Province has been put to by the new method, besides the great expence the officers have been at in attending many weeks upon the General Court, to get their accounts and muster-rolls passed *etc.* *Signed*, A Lover of Government and Liberty. (i.e. *J. Belcher*, *v. covering letter*). 12 pp. [*C.O.* 5, 898. *ff.* 472—481 *v.*]

Dec. 27. **509.** Mr. Kay to the Council of Trade and Plantations. In Rhode Island. pursuance of your commands, I gave myself the honour of writing to you the 2nd Sept., 1731; and att that time, sent an Act of this Colony for the emitting £60,000 in bills of credit; I have now transmitted another Act being in force last Octr. *Signed*, Nathl. Kay. *Endorsed*, Recd. 9th May, 1733, Read 17th Sept., 1735. *Holograph*. 1 p. [*C.O.* 5, 1268. *ff.* 162, 163 *v.*] *Enclosed*.

509. Copy of Act of Rhode Island, Oct., 1732, laying 6*d.* per ton on vessels trading to this Colony, for supplying Fort George with powder *etc.* *Endorsed as preceding*. *Copy*. 1 p. [*C.O.* 5, 1268. *ff.* 162, 163 *v.*, 166 *v.*]

Dec. 28. **510.** [*Mr. Leheup*] to Mr. Popple. Encloses following to be Treasury Chambers. laid before the Board *etc.* *No signature*. *Endorsed*, Recd. 28th Dec., 1732, Read 10th Jan., 1733. 1 p. *Enclosed*.

510. i. Extract of letter from Lt. Governor Gooch to [*Mr. Leheup*]. 5th Oct., 1732. Desires his application on behalf of Col. Thomas Lee to supply the vacancy in Council of Virginia occasioned by the death of Col. Harrison *etc.* Has already recommended Col. Armistead (*v.* 9th Aug.). *Concludes*: As I am apprehensive there will be some pretenders to this honour I must beg of you to be pressing that before any appointment is made contrary to my recommendation, I may be allowed to give my reasons for opposing the promotion of those who are for making their way to it by the interest of gentlemen at home who know nothing of their lives and characters here. *Copy*. $\frac{2}{3}$ p. [*C.O.* 5, 1323. *ff.* 56, 57, 59 *v.*]

1732. **511.** Map of Maryland with the Three Lower Counties: Lord Baltimore's own map annex to his Agreement with Mr. Penn in 1732. [*P.R.O.*, *M.P.G.* 513.]

[1732.] **512.** Some particulars of the Bahamas. Description of the islands and their resources. Many persons in the other plantations are already disposed to settle there, especially from Bermuda, where they have encreased to such degree that many families

1732. [512]

are continually quitting it for want of room *etc.* If the Bahamas are purchased by the Crown and suitable measures taken and a proper Governor appointed, the island of Providence could hardly fail of soon becoming sufficiently inhabited *etc.*, and perhaps become of more consequence than any other English settlement the West Indies *etc.* *Endorsed.* Humbly proposed by Mr. Edward Walpole in favour of Major Frontin. The Duke of Newcastle wishes well to him in this affair. 3 pp. [*C.O.* 23. 14. ff. 227—228 v. ; and (*duplicate, endorsed,* Major Frontin the person the Lord Essex recommended to the D. of Newcastle for the Government. Mr. James Colebrooke and Mr. Burrel will declare their approbation of him). [*C.O.* 23. 14 ff. 229—230 v.]

[?1732.]

513. Petition of Swiss Emigrants to Secretary, Lord Harrington. Wee have been informed by a little boock printed in Bern that the King of England wants mann that are brought up to country buissines, and know to improve land and macke butter and cheese, in the Royall Province of Carolina wich as wee hear'd is a land flowing with milch and honey, wee thinck ourselves happy to beekome the subjects of so great and generous a king and usefull to the most charitable nation under Heaven. Wee have sold our small substance in our native country and meight have paid our expencess. But as wee were instead of fourteen days, fourteen weecks upon the Rhine where the armies have made all thing's scarce wee have laid out all our money and must now beg Yr. Excellency to recommend us and our wives and children to the King's bounty that he may send us to that blessed country in the *Two Brothers* commanded by Captain Thomson, who has been so good to the Saltz burgers, while our Captain has been so hard to us *etc.* *Without date or signature.* *Addressed.* $\frac{2}{3}$ p. [*C.O.* 5, 306. No. 21.]

[?1732.]

514. Petition of Richard Partridge, Agent for Rhode Island *etc.*, to the Duke of Newcastle. *Encloses following.* As they have hitherto defended themselves at their own expence without any charge to the Crown against the insults of the enemy both by land and sea, it is therefore humbly pray'd thou wouldst recommend it to the King *etc.* to grant them a number of cannon *etc.*, viz. 30 eighteen pounders and 10 twelve pounders *etc.* Powder and ball they will provide at their own cost. *Signed.* Richd. Partridge. *Without date or endorsement.* $\frac{3}{4}$ p. *Enclosed.*

514. i. Petition of the General Assembly of Rhode Island to the King. Return thanks to H.M. for continuing to them the quiet enjoyment of their ancient Charter privileges. "great in their nature, but far greater by being suited to the circumstances of this your Majesty's Colony" *etc.* Moved by gratitude for the enjoyment of these privileges, they considered it their duty to fortify the frontier so as not to fear any attack from the enemy. They were moved "above all by a fixed and steady resolution of doing everything that Providence had put in our power to do for the maintaining and

1732. [514. i]

preserving that part of the territories of our most good and beneficent Sovereign committed to our care. What are your Majesty's subjects apprehended to be most for the safety and preservation of your Majesty's sd. Colony and Dominions adjacent was the fortifying Newport the chief town in said Colony and the most frontier upon all the coast of New England, where your Majesty's subjects have built a regular and beautiful fortification of stone with a battery subjoined where may be conveniently mounted sixty cannons," *etc.* *Pray* H.M. to bestow a number of cannon *etc.* Signed, in the name and behalf of the Genl. Assembly, J. Jencks, Govr. *No date or endorsement.* 1 p. [*C.O.* 5, 1302. *ff.* 7. 8.]

[?1732.] **515.** Extracts from Commissions of Lt. Governors William Tayler (Mass) and David Dunbar (N.H.) as to command in Governor's absence *etc.* (*Cf.* Nov. 29. and A.P.C. III, No. 252). *Without date, signature or endorsement.* $\frac{1}{2}$ p. [*C.O.* 5, 10. No. 187.]

[?1732.] **516.** Message of the Assembly of Barbados to H.E. In reply to H.E.'s message, state that their choosing a temporary Speaker and proceeding upon business without presenting him to the Governor is in accordance with numerous precedents. There is no instance of their applying to the Governor for his approval of a Speaker except at the first meeting of an Assembly. They have no intention of encroaching on H.M. prerogative, and as it is rather a matter of form and ceremony than any real substance they hereby present the chosen Speaker for his approval, and beg H.E. to consider the importance renewing the Excise bill which expires that night *etc.* *Without date or endorsement.* $2\frac{2}{3}$ pp. [*C.O.* 28, 45. *ff.* 208-209.]

[?1732.] **517.** Governor Cosby to the Duke of Newcastle. Your Grace was pleased to grant Memorialist an Instruction [31st May. 1732], authorizing him to receive half the salary and perquisites of the Government of New York from the death of Governor Montgomery to the date of his Commission. The Jerzeys having been omitted in said Instruction, Memorialist has reason to believe this perquisite will be disputed when he visits that part in the Spring *etc.* The President of Council at New York has without difficulty allowed the same, but should the President of New Jerzeys dispute it, this difference may create a jealousy between the two Provinces of more importance to Memorialist than the small profit accruing to him hereby. *Prays* that a like Instruction be granted for New Jersey *etc.* *Without date or endorsement.* *Cf.* May 3, 1733. 1 p. [*C.O.* 5, 1085. No. 71.]

1732. **518.** Correspondence of Commandants of Essequibo with the Directors of the Dutch West India Company. [*C.O.* 116, 26.]

(291)

INDEX OF PERSONS.

INDEX OF PERSONS.

A

- Abbot, Richd., Nevis, document signed by, 72.
- Abercromby, James, Attorney General, South Carolina, 283 p. 163.
- Adams, John, Councillor Nova Scotia, career of, 259, 259 i.
-, document signed by, 259 ii.
-, petition of, 259 i.
-, recommended, 425.
- Alexander, James, Councillor New York and New Jersey, character of, 493.
-, removal of, urged, 493, 495.
- Allen, Christopher, Captain, Jamaica, command of, 170 i.
-, leader of party against rebellious negroes, 250, 292.
-, journal of, 147, 147 ii.
-, letter from, 147 i.
-, George, Dr., North Carolina, sent to prison by Governor, 377 p. 210.
-, Jer. Treasurer and Receiver General of Massachusetts Bay, accounts of, 447 i.
- Amyand, Isaac, Clerk of Assembly, Carolina South, appointment of, 281, 283.
-, accepted by Assembly, 480 p. 276, 487, 504.
-, Commission of, 504.
-, warrant appointing, 10.
- Anderson, Adam, a Trustee of Georgia, appointment of, 258 p. 139.
- Anne, Queen, instructions from, 303.
-, order by, 21.
- Appelthwaite, Thomas, Councillor Barbados, proposed for Council, 452.
-, recommended for Council, 12.
- Armistead, Henry, Col., Councillor Virginia, recommended for Council, 342, 510 i.
- Armstrong, Lawrence, Colonel, Lieutenant Governor of Nova Scotia, 359 p. 199.
-, grants of lands by, 455 iv.
-, instructions, additional, for, 435.
-, letter from, 259, 259 v, vi, 454, 455, 455 ii, 468, 469.
-, extract of, 425.
-, letter to, 259 ii, viii, x, 294, 435, 454 ii, 455 v, vi, vii.
-, orders, proclamations by, 455 i, 468 i.
-, petition to, 259 xii.
-, queries concerning laws *etc.* affecting Great Britain, reply to, 455 p. 253.
-, State of Nova Scotia sent by, 435.
-, summons to French inhabitants of St. John River by, 259 vii.
- Ashe, —, Agent for Newfoundland, 49.
-, John Baptista, Councillor North Carolina, arrest of, 461 p. 259.
-, warrant for, 461 v.
-, writ of Habeas Corpus for, 461 iv.
-, career of, 450.
-, Case *v.* Burrington, 377 p. 210, 461 p. 259.
-, judgment of General Court upon, 461 vii, viii.
-, Caveat entered by, 461 p. 260, 461 iii.
-, charges against, by Governor Burrington, 450.
-, charges by, against Governor Burrington, 377, 459, 461.
-, complaint against, 94 p. 66.
-, memorial and remonstrance of, 377, 461, 461 i, ii.
-, mittimus for detaining in gaol, 461 vi.
-, petition from, 450.

Ashe, John Baptista *cont.*
, refusal to come to Eng-
 land, 269.
 Ashfield, Richard, Councillor, New
 Jersey, recommended for Coun-
 cil, 253.
 Ashley, John, Councillor of Barbados,
 appointment of, 88, 110.
, not confirmed, 69.
, warrant for, 115.
 Ashworth, Jasper, Major, J. P., and
 Chief Commission at Port
 Antonio, Jamaica, 171.
, appointment of, 292.
, letter from, 170 i.
 Atkinson, Benjamin, Boston, case
 against Colonel Dunbar, 238
 p. 123.
, Theodore, Councillor and
 late Deputy Collector New
 Hampshire, acts for Mr. Bacon,
 135 i.
, affidavit of, 279.
, appointment of, 198,
 203, 365.
, case of, 126, 135, 135 i.
, character of, 156.
, complaint against, 57.
, dispute with Governor
 Belcher, 133, 135 i, 156.
, Governor Belcher's objec-
 tion to, 244.
, opposition to, 238 p.
 123.
, payments as Sheriff,
 Assembly's action concerning,
 244 i, ii.
, recommended for Coun-
 cil, 57.
, objection to, 57 i,
 185.
, vindication of, 156.
 Attorney General. *See* Yorke, P.;
 Northey, Sir E.
, opinion by (1730), 101.
 Aubin, —, Captain R.N. Commander
 of *Deal Castle, La Dichosa*
 seized by, 415, 417, 430.
 Auchmuty, Robert, Advocate General
 Massachusetts Bay, 238 p. 123.
, charges against, 99,
 99 xi.
 Auditor General for the Plantations.
See Walpole, H.
, register of grants of land in
 South Carolina to be sent to,
 431 p. 241.
 Ayscough, John, President of Council
 Jamaica, devolution of Govern-
 ment to, instructions for, 345,
 347.
, document signed by, 29 i.

Ayscough, John *cont.*
, health of, 347.
, petition of, 325 i.
, removal from Council,
 325 i.
, restoration to place in
 Council, 347.
, return to England, 292,
 325 i.
, to take command in
 absence of Governor, 334.

B

Bacon, Devereux, Surveyor General,
 and Collector, New Hampshire,
 Mr. Atkinson acts for, 135 i.
, death of, 57 i, 135 i.
 Badenhop, Jesse, Clerk of Council,
 South Carolina, documents pre-
 pared and signed by, 393, 393 i.
 Badham, W., Carolina North, letter
 from, 95 ii.
 Balaguier, John, Antigua, Agent for
 Lord Carteret, letter from, 84.
 Ballantyne, John, Clerk of Court of
 Common Pleas, Boston, deposi-
 tion of, 99 vi.
, document signed by, 99 x.
 Baltimore, Lord. *See* Calvert,
 Charles.
 Bamfield, —, Provost Marshal South
 Carolina, appointment and re-
 appointment of, 394 p. 219.
, befriended by Governor
 Johnson, 393.
 Barclay, —, Jamaica, plantation of,
 raided by negroes, 250.
 Barnwell, —, Agent for Carolina,
 87 p. 59.
 Barwick, Samuel, President of Council
 Barbados, instructions to, con-
 cerning evacuation of Sta Lucia,
 St. Vincent, and Dominico, 25.
, letter from, 174, 175, 291,
 349, 351, 410, 420, 421, 473.
, letter to, 25.
, petition from, 474.
 Baylis, R., a Commissioner of H.M.
 Customs, document signed by,
 135 i.
 Beauclerc, Lord Vere, Captain R.N.,
 Commodore of Newfoundland
 Convoy, 74, 162 i, 163 i.
 Beauharnois, Marquis de, Governor of
 Canada (1726–1747), Commis-
 sions for Indians from, 359 p.
 200.

- Bedford, Arthur, M.A., a Trustee of Georgia, appointment of, 258 p. 139.
- Belcher, Jonathan, Governor of Massachusetts Bay and New Hampshire, 85.
-,, address in favour of, 185, 188.
-,, certificate signed by, 99 vi.
-,, commission of, 99 viii.
-,, as Captain General and Commander in Chief of New Hampshire, 279.
-,, complaint against, 244.
-,, reply to, 260.
-,, complaints against Colonel Dunbar, discouraged, 412.
-,, conduct of, justification asked for, 50.
-,, Conference with Indian Chiefs at Falmouth, 352, 353 i, 359.
-,, copies of acts certified by, 324 i.
-,, correspondence of, complaint concerning, 188.
-,, difficulties with Mr. Atkinson, 57 i, 133, 135 i, 156.
-,, dispute with Colonel Dunbar, 85, 101, 129, 185, 188, 238, 244, 260, 279, 359, 412.
-,, document signed by, 42 i.
-,, instructions for, 185, 188, 260, 279.
-,, additional, 267, 352, 465.
-,, dispute concerning 16th and 30th, 505, 508.
-,, repeal of, 412.
-,, Judges in Mr. Byfield's case appointed by, 99 vii-ix (b).
-,, lands belonging to, in New England, 129 p. 83.
-,, letter from, 101, 102, 122, 123, 185, 188, 244, 260, 267, 268, 279, 295, 296, 352, 353, 426, 455, 464, 465, 506, 508.
-,, extract of, 87 p. 60.
-,, letter to, 135 i, 412, 455 ii, (vii).
-,, meeting with Indians at Casco, 294, 295.
-,, message to Assembly, 244 iii, iv, v.
-,, opposition to Eastern Settlements, 129 p. 83.
-,, petition to, 99 vii, ix.
-,, proclamation by, 185 i.
- Belcher, Jonathan—*cont.*
-,, queries to, reply to, 426.
-,, concerning laws, etc. affecting Great Britain, reply to, 465.
-,, refusal to admit Col. Dunbar to Fort William and Mary, disapproval of, 188.
-,, salary of, 188, 260, 260 ii, 267, 267 i, 295, 412.
-,, Act granting £3000 to Governor, assent to be given to, 499.
-,, petition concerning, 344 i.
-,, present in lieu of, 412.
-,, sister of, 129 p. 83.
-,, son of. *See* Belcher, Jon. Junior.
-,, speech by, 244 i, 260 i, iii, 464, 508.
-,, visits Nova Scotia in H.M.S. *Salisbury*, 294, 295.
-,, visits St. George's River in H.M.S. *Scarborough*, 359.
-,, account of, 352.
-,, Jonathan, Junior, son of Governor Belcher, in England, 126.
-,, interviewed by Council of Trade and Plantations, 156.
-,, letter from, 50.
-,, lodgings at the Temple, London, 185.
-,, memorial from, representation upon, 499.
-,, opposition to Mr. Atkinson, 238 p. 123.
-,, petition from, 57 i, 344, 344 i.
- Belhaven, Lord, Late Governor of Barbados, additional salary for, 479.
-,, equipage money for, 280.
-,, instructions of, 481.
- Belitha, William, a Trustee of Georgia, appointment of, 258 p. 139.
- Bellamy, —, S. Carolina, lands of, 475 vii.
- Bellisle, Alexander, Nova Scotia, marriage with an Indian, 259 p. 148.
-, Madame, Nova Scotia, petition from, 313, 326.
-, Mary (*née* Latour), 259 p. 148.
- Bentinck, William Henry, Earl of Portland, 1st Duke of Portland, late Governor of Jamaica, death of, 325 i.

- Bertie, Edward, Secretary of South Carolina, appointment of, patent for, 446, 448 i.
 Assembly's action concerning, 446, 448 i.
 salary of, 446.
 Beverley, William, Colonel, Virginia, interest in silver mine, 376.
 Bill, Richard, appointed Judge in Mr. Byfield's case, 99 ix (*b*).
 Bishop, Philip, London, grant of land in Georgia to, 503.
 Bladen, Colonel, North Carolina, hostility to Governor Burrington, 119.
 letter to, 448.
 map of North Carolina for, 450.
 Martin, letter from, 354.
 Blair, James, Councillor, Virginia, document signed by, 24.
 Blake, Patrick, St. Christopher, petition of, 34.
 Act concerning, 8.
 Blin, Peter, Boston, grants of land in Nova Scotia to, 455 iv.
 Blockhouse, Wm., Placentia, document signed by, 331 ii.
 Blunt, William, King of Tuscarora Indians, meeting with Mr. Watis, 490 iii.
 Bodmen, —, memorial from, 70.
 Boone, —, Agent for Carolina, 87 p. 59.
 Bostock, — Capt., 92.
 Boudrot, Michel, Nova Scotia, 259 x.
 Bourg, Alexander, King's Procurator, Minis, appointed by Governor Philipps, 259 p. 147.
 instructions to, 455 ii (ii).
 patent from M. de Vaudreuil for grants of land on St. John River, 259 xi.
 Boydell, John, Registrar, Mass. Bay, charges against, 99 xi.
 Bradley, Richard, Attorney General New York, commendation of, 460.
 letter from, 382, 460 i.
 recommended by Council and Assembly, 382.
 Bradshaw, Capt., 92, 131.
 Bray, David, Councillor, Virginia, death of, 27, 112, 118.
 Breslai, M. de, departure from Annapolis Royal, 259 x.
 Bridgewater, Charles, Nevis, document signed by, 72.
 Junior, Councillor of Nevis, proposed for Council, 451.
 Brinley, Francis, Massachusetts Bay, proposed as Lieutenant Governor, 238 p. 122.
 Brisay, —, Marquis de Denonville, Governor of Canada, and a Seigneur of Nova Scotia, grant of land by, 259 p. 148, 259 xiii.
 Brodbelt, Lawee, Nevis, document signed by, 72.
 Broughton, —, Capt., South Carolina, appointed Naval officer, 390.
 Brouillan, St. Ovide de, Governor of Cape Breton, Indians encouraged by, in Nova Scotia, 454 p. 251.
 intrigues in Nova Scotia by, 454 p. 251, 455 p. 251.
 letter from, 454 i, 455 vii.
 letter to, 455 ivy).
 Browne, J. or T., Judge of Vice-Admiralty Court, Pennsylvania, case of, papers concerning, 207, 284.
 bail for, 209.
 complaint against Lieut. Gov. Gordon, 209.
 letter from, 209.
 Jeremiah, Chief Justice of Court of King's Bench and Common Pleas, St. Christopher, removal from office, 215.
 order for restoration, 215.
 Brudenell, J., Agent for Barbados, letter from, 354.
 letter to, 12.
 Bundy, Richard, M.A., a Trustee of Georgia, appointment of, 258 p. 139.
 Burchett, J., Secretary of the Admiralty, letter from, 166, 181, 216.
 letter to, 180, 217, 320.
 papers concerning North Carolina Vice-Admiralty Court sent to, 356.
 Burnett, William, late Governor of New York, 51, 238 p. 123.
 Burrell, —, recommendation by, 512.
 Burrington, George, Governor of North Carolina, advertisement of, concerning boundaries with Car. S., 490, 490 i.
 reply to, 490 i.
 advertises lands on Wacamaw River, 394 p. 219.
 apprehensions of Indian rising, 487, 490.
 attitude towards Council and Assembly, comments upon, 355.
 Case *v.* Ashe, 461 p. 259.
 judgment of General Court upon, 461 vii, viii.

Burrington, George—*cont.*
 charges against, 377.
 by Chief Justice
 Smith, reply to, 453, 459.
 by Judge Porter,
 91.
 by Rice, Ashe and
 Montgomery, 377, 459, 461.
 reply to, 450.
 charges by, against Mr.
 Ashe, 450.
 against Council,
 377 p. 210.
 against Mr. E.
 Smith, 450.
 complaint by, 320, 453.
 conduct of, 377.
 correspondence sent via
 Carolina South, 490 p. 277.
 Councillors appointed by,
 355.
 disagreements with his
 Government, 269.
 disputes with Council
 and Assembly, 94.
 disputes with Mr. Porter,
 papers concerning, sent home,
 355, 356.
 division of precincts etc.
 by, reasons against, 461 p. 260,
 461 ii.
 document signed by,
 95 v.
 health of, 94 p. 68.
 hostility to, 119.
 instructions of, 91, 94,
 270, 271, 355.
 letter from, 91 ii, 94, 95,
 119, 240, 436, 450, 459, 490 iv.
 copy sent to
 Governor Cosby, 381.
 extract of, 271 i,
 273, 274.
 reply to, 91 iii.
 letter to, 95 i, ii, iii, iv,
 269, 270, 271, 355.
 meeting with Indians,
 490 ii, iii.
 memorandum of
 remarks by, 91 iv.
 memorial against, 377,
 461.
 memorial from, 453.
 new Councillors appoint-
 ed by, complaint concerning,
 91, 91 vi.
 explanation of, 94
 p. 67.
 perquisites as Governor,
 459 p. 258.
 recall of, 419.
 report from, 240.

Burrington, George—*cont.*
 representation from, 119.
 suspension of Councillors
 by, 91.
 warrants for lands issued
 by, remonstrance concerning,
 461 i, iii.
 Burrish, —, Solicitor and Clerk of
 Reports, Office of Trade and
 Plantations, appointment and
 fees of, 140.
 Burt, John, Boston, complaint against,
 129 p. 84.
 letter from, 129 i.
 log house built for, 129 i.
 pines cut by, 129 p. 83.
 Burton, John, B.D., a Trustee of
 Georgia, appointment of, 258 p.
 139.
 Butler, —, Agent for Leeward Islands,
 or Nevis ? 72.
 Buttolph, Nicho, foreman of Grand
 Jury, Boston, document signed
 by, 99 xi.
 Byam, William, Councillor, Antigua,
 death of, 212.
 Byfield, Nathaniel, Judge of Vice-
 Admiralty Court, New England,
 case of, 129 p. 85.
 charges against, 99 i, ii,
 v—xii.
 Colonel Dunbar's com-
 plaint against, 359 p. 202.
 Commission of, 99 i.
 Deputy in New Hamp-
 shire, 359 p. 202. *And See*
Gambling ; Waldron.
 fees of, action concerning,
 99 i, ii, v, ix—xii.
 letter from, 99, 338.
 petition of, 99 vii.
 proceedings heard before,
 effect of, 238 p. 122.
 re-appointment of, 99 i
 p. 74.
 representation from,
 99 i, 338.
 salary of, 99 i.
 sawmills owned by,
 238 p. 122.
 writ for, 99 x, xii.
 Byrd, W., Councillor, Virginia, docu-
 ment signed by, 24.

C

Callahan, Daniel, St. Johns, deposition
 of, 404 xvii.

- Calvert, Charles, Baron Baltimore, Governor and Proprietor of Maryland, enquiry into the State of the Plantations by, 361.
 grant of Maryland to, (1632), 52.
 lands near Great Mountains Virginia, claimed by, 314 i, 372, 376.
 letter to, 45.
 map of Maryland, annexed to agreement with Mr. Penn, 511.
 memorial from, 316.
 powers as Proprietor, 87 p. 56.
 William, grant of land in Georgia to, 427, 432, 433.
 conditions of, 428.
- Campbell, Mrs. Agatha, daughter of James Latour, Nova Scotia, 259 p. 148.
 grandfather of, French Commission to, 313, 326.
- Capell, William, third earl of Essex, recommendation by, 542.
- Carkesse, Charles, Secretary to Commissioners of Customs, letter from, 98, 135.
 letter to, 53, 133.
- Caroline, Queen, Guardian of the Kingdom, document signed by, (C.R.C.R. = *Carolina Regina Custos Regni*), 347.
 in Council, addresses, appeals, petitions, representations to, concerning :—
 Barbados, 471 i.
 Jamaica, 325 i, 335 i.
 Massachusetts Bay, 344 i.
 Nova Scotia, 323 i.
 Rhode Island, 367 i.
 Seals in the Plantations, 312.
 Virginia, 358 i, 363.
 orders, instructions, warrants from, concerning :—
 Barbados and Leeward Islands, 303 i.
 Carolina South, 317–319.
 Jamaica, 287, 288, 345.
 Maryland, 316.
 Massachusetts Bay, 346.
 New Hampshire, 365, 366.
 *Royal Carolina* ship, 361.
 Seals in the Plantations, 343.
 papers laid before, 261, 261 i, 286, 314 i.
- Carpenter, George, a Trustee of Georgia, appointment of, 258 p. 138.
- Carter, John, Councillor, Virginia, document signed by, 21.
 Robert, President of Council, Virginia, document signed by, 24, 309 i.
 death of, 342.
 executor for Colonel Mann Page, 308 (xxiii).
- Carteret, Lord John, a Lord Proprietor and Palatine, Carolina South, agent for. *See* Balaguier, John, Ant.
- baronies granted by, 501.
 property of, copies of acts etc. affecting, asked for, 84.
- Cartey, William, master of *Speedwell*, Bond of, 404 iv.
- Cary, Henry, Virginia, lands of, Act concerning, 195.
 Walter, Ex-Commissioner of Board of Trade, document signed by, 226, 227, 229.
- Castellaco, James, member of Assembly, Carolina N., opposition to Governor, 94 p. 66.
- Caulfield, Major, Lieutenant Governor of Nova Scotia, 259 i.
- Causton, Thomas, Bailiff of Savannah, Georgia, Commission of, 441.
 as Conservator of the Peace, 442.
- Champigny, Marquis de, Governor of Martinique and Lt. General of French Windward Islands, order to, 25, 25 i.
- Chancellor of the Exchequer. *See* Walpole, Sir Robert.
- Charlton, Edward, lands of, in St. Jago de la Vega, Act concerning, 73.
- Chetwynd, Walter, Governor of Barbados, death of, 69.
 equipage money and patent for, 280.
 health of, 25.
 instructions of, 59, 88.
- Cholmondeley, George, 2nd Viscount, Lord Malpas, Mr. Warrell recommended by, 495.
- Christie, Thomas, grant of land in Georgia to, 427, 432, 433.
 conditions of, 428.
 Recorder of Savannah, Georgia, Commission of, 441.
 as Conservator of the Peace, 442.
- Churchill, —, Brigadier, 390.
- Clarke, —, Secretary of New York, 429.
 Sam., Nevis, document signed by, 72.

- Clayton, —, 114.
 John, Attorney General, Virginia, salary of, application for increase, 308 p. 178.
- Cleveland, —, Captain, 188.
- Cliff, Edward, South Carolina, lands of, 475 vii.
- Clifford, George, St. John's, 404 xviii.
- Clinton, George, Captain R.N., Commodore and Governor of Newfoundland, Commander of H.M.S. *Salisbury*, 166.
, Commission and instructions of, 206 i.
, instructions of, 162 i. 163 i.
,, letter from, 148, 162 i, 163 i.
,, order by, 404 i p. 227.
,, proclamation by, 148 i.
,, return to Newfoundland, 63.
- Coates, John, Georgia, lands of, lease for, 478.
- Cochran, John, Dr., Kingston, Jamaica, Dr. Houston's letters sent to, 416.
- Cocks, —, document countersigned by, 258.
- Codrington, Christopher, Colonel, late Governor of the Leeward Islands (1702), extract from instructions to, 303 ii.
- Colden, Cadwallader, report on navigation of Canada River by, extract from, 142.
- Cole, —, recommendation of, by Lord Delaware, for Governorship of N. Carolina, 419.
 John, mariner Pennsylvania, tried for piracy at Philadelphia, 187.
- Colebrooke, James, Bahamas, recommendation by, 512.
- Colleton, —, Councillor, Barbados, in England, 69.
- Concanen, Mathew, Attorney General Jamaica, appointment as Judge Advocate, question concerning, 297.
,, warrant appointing, proviso concerning residence, 287, 288.
- Convicts and felons. *See* Act of Parliament concerning; *and* *under* separate Colonies.
- Cooke, Elisha, Dr., 129 p. 84, 307.
,, interest in sawmills, 359 p. 201.
,, petition concerning, 346.
- Cope, —, Colonel, regiment of, encouraged to settle in Jamaica, 18 i.
- Cope—*cont.*
 Henry, Major, and Company, declaration by, 455 p. 253.
,, grants of lands to, 455 iv.
,, letter to, 455 ii.
- Coram, Thomas, Captain, a Trustee of Georgia, appointment of, 258 p. 139.
,, letter from, 23.
,, report on New England by, 87 p. 60.
- Cornwallis, Ste., Lt. Colonel, commanding regiment in Jamaica, letter from, 6 ii, 18, 96.
,, letter to, 6 iii.
- Cosby, Alexander, Major, Lieut. Governor of Annapolis Royal and Councillor Nova Scotia, 313, 326.
,, appointment as President of Council, dispute concerning, 435.
,, representation upon, 455 p. 254.
,, complaint against, 259 p. 146, 455 p. 254.
,, conduct of, 259 ii.
,, grant of lands to, 455 iv.
,, letter from, 259 iii.
,, resignation of, 259, 259 iii.
,, suspended, 259 p. 146.
, William, Colonel, Governor of New York and New Jersey, late Governor of the Leeward Islands, arrival in New York, 218, 247, 339, 381.
,, commission of, 62 i, ii, 67 ii, 103, 518.
,, Commission and instructions for, 13.
,, departure of, 200.
,, instructions for, 184, 518.
,, New Jersey omitted from, 518.
,, instructions as Governor of New Jersey, 226, 232, 233.
,,, alterations in, 191 i.
,,, draft of, 191 ii.
,, instructions as Governor of New York, 224, 227, 230, 231.
,,, alterations in, 192 i.
,,, copy of, 192 ii.
,, instructions, additional, for, 247.
,,, as Governor of the Leeward Islands, 39.
,,, concerning Indians, 270, 271, 273, 274.

Cosby, William *cont.*
 letter from, 381, 429,
 472, 492, 493, 494, 495.
 memorial from, 518.
 moiety of salary for,
 247.
 queries for, reply to,
 194.
 reception of, directions
 for, 265.
 salary of, perquisites of,
 518.
 William, Junior, son of
 Governor Cosby, appointed
 Deputy Secretary, New Jersey,
 429.
 Cowper, Wm., Clerk of the House of
 Lords, document signed by, 142,
 164 i.
 Coy, Pr. John, Deputy Surveyor of
 New Hampshire, document
 signed by, 359 p. 202.
 Creswell, Capt., with party against
 negroes, Jamaica, 147 iii.
 Cristy, James, letter to, 129 i.
 Cuffee, Jamaica negro, wounded, 147 v.
 Cunningham, Nathaniel, Attorney,
 Boston, petition of, 99 ix (a).
 Richard, St. Johns, deposition
 of, 404 xxi.
 Custis, Jno., Councillor, Virginia, docu-
 ment signed by, 24.
 Cutter, the Rev. Timothy, Mass. Bay,
 petition of, 9.

D

Dandridge, W., Councillor, Virginia,
 document signed by, 24.
 Daniell, Henry, Captain of garrison
 Annapolis Royal, report signed
 by, 468 ii.
 Danvers, John, letter to, 178.
 Darrell, John, Deputy Sheriff, Mass.
 Bay, writ served by, 99 x.
 Dasent, John, Speaker of Assembly,
 Nevis, document signed by,
 72.
 Davenport, Jonah, Indian trader,
 examination of, 41 vii.
 Davers, J. late member of Council,
 Barbados, estate of, 12.
 letter from, 12.
 Thomas, Captain, Councillor
 Barbados, in England, 69.
 resignation of, 16.
 superseded, 59.
 Dawkins, Henry, Councillor Jamaica,
 appointment of, 486.
 proposed for Council,
 374.
 warrant appointing, 491.
 Delafaye, Charles, Secretary to the
 Duke of Newcastle, 93.
 letter from, 277.
 letter to, 50, 68, 245 iii,
 297, 324, 446, 493.
 nephew of, in New York,
 493.
 Delaware, Lord, letter from, 419.
 recommendation of Mr.
 Cole, 448.
 Dennet, (Dennit), Ephraim, Councillor,
 New Hampshire, appointment
 of, 197.
 recommended for Council,
 183.
 warrant for,
 210.
 Denonville, Marquis de. *See* Brisay.
 D'Entremont, Ann (*née* Latour), 259,
 p. 148.
 Charles, a Seigneur of Nova
 Scotia, family of, 259 p. 148.
 petition from, 259 xii.
 Dick, Wm. Captain of Independent
 Co. New York, recommended
 for Council, 495.
 Digby, Edward, a Trustee of Georgia,
 appointment of, 258 p. 138.
 as Chairman of
 Council, 258 p. 139.
 Digges, Cole, Councillor, Virginia,
 document signed by, 24.
 Done, —, Jamaica, plantation of,
 negroes desert from, 19.
 Dosquet, —, Bishop of Quebec, letter
 from, 454 ii, 455 vi.
 missionaries sent out by,
 454 i, ii, 455 vi, vii; *and see*
 Goudalie; St. Ponceis (Poncy).
 Doucett, Captain, Nova Scotia, 326.
 letter to, 313.
 Douglass, John, Virginia, lands of,
 act concerning, 195.
 Samuel, Nova Scotia, grants of
 land to, 455 iv.
 Drew, Mrs., Nova Scotia, 259 p.
 148.
 Dudley, Joseph, late Governor of
 Massachusetts Bay, Admiralty
 Judge's fees settled by, 99 i.
 Duer, John, Councillor, Antigua,
 appointment of, 61, 173, 179,
 199.
 warrant for, 213.
 Dunbar, Charles, Surveyor General of
 Antigua, document signed by,
 48 i-iii.

Dunbar—*cont.*

....., David, Colonel, Surveyor General of H.M. Woods in America and Lieut. Governor of New Hampshire, case brought by Benjamin Atkinson against, 238 p. 123.
 , charges against, 101.
 , reply to, 129 p. 82.
 , command in New Hampshire in absence of Governor, question of consideration of, 412.
 , Commission as Lieut. Governor, 279, 359 p. 199.
 , extract from, 516.
 , complaints against, by Gov. Belcher, discouraged, 412.
 , complaint by, 279.
 , against Judge Byfield, 359 p. 202; *and see* Byfield.
 , as Surveyor General, 359 pp. 201, 202.
 , correspondence of, 238 p. 123.
 , with Council of Trade and Plantations, 387.
 , detachment from Colonel Philipps' regiment for Fredericksfort, 454 p. 251, 455 p. 254.
 , dispute with Governor Belcher, 85, 101, 129, 185, 188, 238, 244, 260, 279, 359, 412.
 , expenses of, 294.
 , instructions concerning lands between Penobscot and St. Croix Rivers revoked, 346.
 , lands between Penobscot and St. Croix Rivers, order to quit possession of, 346.
 , letter from, 85, 129, 238, 294, 359.
 , extract of, 87 p. 60.
 , letter to, 387, 455 ii (iii).
 , Pemaquid Fort repaired by, 101.
 , powers of, as Lieut. Governor, 185.
 , refused admission to Fort William and Mary. Governor Belcher's action disapproved of, 188.
 , Governor Belcher's explanation of, 279.
 , removal of, urged, 185.
 , report on New England by, 294 i.
 , salary of, 238 p. 123.

Dunbar, David—*cont.*

..... , samples of tools made in New England sent home by, 87 p. 60.
 , settlements by, defence of, urged, 129 p. 85.
 , forts and fortifications for, 129 p. 86.
 , request for soldiers for, 129 p. 85.
 , stores of war for, 129 p. 86.
 , to sit as first Councillor, 108.
 , Jeremiah, Deputy Surveyor of H.M. Woods in America and brother of Colonel Dunbar, in England, 85, 387.
 , letter from, 54, 301.
 , report by, 87 p. 60.
 , on New England trade, 294 i.
 Durham, Bishop of, letter from, 460.
 , letter to, 460 i.
 Dourousseau, Samuel, Store Keeper Barbados, document signed by, 421 i, 473 i.
 Dyson, John, Nova Scotia, grants of land to, 455 iv.

E

Earle, James, Nevis, document signed by, 72.
 Edlyne, Thomas, Capt., Liguanea, Jamaica, 147 ii.
 Eelbach, —, settled in Virginia, 321.
 Elliot, John, Captain, Virginia, account of copper and silver mines by, 315 i.
 Ellis, Edward, Captain, of London, 146.
 Essex, Earl of. *See* Capell.
 Evelyn, J., a Commissioner of H.M. Customs, document signed by, 135 i.
 Everard, Sir Richard, late Governor of North Carolina, 459, 490 iv.
 , administration of, 94 p. 67.
 , character of, 94 p. 67.
 , lands of, dispute concerning, 94.
 , present to, 94 p. 70.
 , son of, 94 p. 67.
 Eyles, Francis, a Trustee of Georgia, appointment of, 258 p. 139.

F

- Fairfax, B., a Commissioner of H.M. Customs, document signed by 135 i.
 Thomas, Lord Fairfax of Cameron, grant of lands in Northern Neck, Virginia, to, 125.
 petition concerning, 308 pp. 176, 177; *and see* Virginia, Northern Neck.
 lands near St. Mountains Va., claim to, 314 i, 372, 376.
 Falkingham, Edward, Captain R.N. Commander of H.M.S. *Salisbury*, Governor and Commander-in-Chief of Newfoundland and of fort and garrison at Placentia, arrival of, 404.
 appointment of, 186.
 command of H.M.S. *Salisbury* for, 181.
 Commission and instructions for, 186, 216.
 draft of, 206 i, ii.
 approved, 223, 229.
 read and published, 331.
 warrant for, 228.
 document signed by, 331 iii-v, 404 ii.
 heads of Enquiry for, 216, 217.
 reply to, 404 i.
 instructions for, 235.
 details of, 228.
 reply to, 404, 404 i.
 letter from, 220, 331, 332, 404, 405.
 powers of, 228.
 Fane, Francis, legal adviser to the Council of Trade and Plantations, 17.
 letter from, 11, 121, 193, 195, 214, 476.
 letter to, 4, 5, 26, 73, 90, 154, 158, 177, 330, 380, 383-386, 423, 424, 477.
 opinion by, 261 i, 438.
 Thomas, twelfth earl of Westmorland, letter to, 129, p. 85.
 Feltmakers of London, Master, Wardens and Assistants of the Company of, memorial from, 14.
 Fitch, Thomas, J. P. Suffolk County N.E., commission as judge in Mr. Byfield's case, 99 vii, viii.
 refused by, 99 ix (a).
 Fitzhugh, Major, Virginia, copper mines of, 315 i.
 silver mines on estate of, 358 i; *and see* Jones, Anne.
 Fitz Roy, Lord Augustus, R.N. ? 294.
 Fitzwalter, Joseph, Constable, Savannah, Georgia, Commission of, 441.
 Fitzwilliam, . . . , late Surveyor General of Customs, Southern America, 111.
 Fitzwilliam, Richard, Captain of Independent Company, Providence Island, Commission of, 304.
 Fleet, Thomas, printer, Boston, 129 ii.
 Fletcher, Benjamin, Virginia, escape of, 308 (xxii).
 Floyd, Thomas, J.P. Trinity, Newfoundland, complaint against Mr. Squib, 404 i p. 227.
 Floyer, John, Junr., Worcester, recommended as Clerk of the Markets, Jamaica, 151.
 Flynt, . . . , lands of, in N.S. taken for Navy, 85.
 Folger, Barzillai, Nantucket, bond of, 404 v-xv.
 Daniel, Nantucket, bond of, 404 v-xv.
 Fontaine (Fountaine), Grand, Nova Scotia Commission to, 313, 326.
 Forster, Robert, Clerk of Council North Carolina, document attested by, 119 i.
 document signed by, 95 v.
 letter from, 95 iv.
 Fountain, Jas., Lt. Colonel of regiment in Jamaica, letter from, 6 ii.
 letter to, 6 iii.
 Fox, Joseph, Master in Chancery, Carolina South, testimonial in favour of, 120.
 Franks, Martin, Car. N., payments made by, 91, 91 vii.
 Frazer, John, Virginia, sale of lands to, act concerning, 195.
 Frewin, Will., South Carolina, complaint against, by Governor Johnson, 488.
 complaint by, against Governor Johnson, 390.
 letter from, 390.
 recommendation of, 390.
 Frontin, Major, Rhode Island, proposal concerning, 512.
 recommendation of, 512.
 Frye, Rowd., merchant of London, document signed by, 305 i.

Fury, —, Agent for South Carolina,
119, 283, 394 p. 217.
....., letter to, 393.
....., papers presented by, 393.
Fytche, Robert, Captain R.N., com-
manding H.M.S. *Sheerness*, 166.
....., Commodore of New-
foundland Convoy, heads of
Enquiry for, 180.
....., reply to,
497 i.
....., letter from, 439, 496,
497.

G

Gale, Edmond, Councillor, Carolina
North, appointed by Governor,
91, 377.
Gambling (Gamblin), Councillor and
Deputy Judge of Vice-Admiralty
Court, New Hampshire, appoint-
ment of, 106, 152.
....., health of, 359 p. 202.
....., objection to, 238 p. 123.
Gaulen (Gouline), M., Annapolis Royal,
letter to, 259 vi, viii, ix.
George, Captain, a Tuscarora Indian,
490 iii.
George I, King, instructions from, 303.
....., death of, 78 i.
George II, King, in Council, addresses,
appeals, petitions, representa-
tions to, concerning :—
....., Antigua, 157, 158.
....., Barbados, 16, 78 i,
164 i, 221 i, 452.
....., Bermuda, 71.
....., Carolina South, 124, 431.
....., coffee growing, 44.
....., debts in the Plantations,
36, 77 i, 136 i.
....., Georgia, 322 i.
....., Governors' Commissions,
159 i.
....., Jamaica, 19, 20, 83,
83 i, ii, 92, 131, 251, 251 vi,
254 i, 371, 374.
....., Leeward Islands, 236 i.
....., Massachusetts Bay, 85,
101, 499.
....., Nevis, 451.
....., Newfoundland, 162 i,
163 i, 206, 206 i.
....., New Hampshire, 21, 57 i,
183.
....., New Jersey, 67, 67 i, 134,
191 i.
George II, King, in Council—*cont.*
....., New York, 2, 2 i, 62 i,
80 iii, 160 i, 192 i.
....., Nova Scotia, 259 i.
....., the Plantations, 256 i.
....., Rhode Island, 340 i, ii,
515 i.
....., Sugar Colonies, 46 i,
139 i.
....., Sugar duties, 89 i.
....., Virginia, 27, 315 i, 309,
309 i.
George II, King in Council, orders,
commissions, instructions, pro-
clamations, references, warrants
by, concerning :—
....., Antigua, 39, 40, 199,
212, 213, 225, 396.
....., Barbados, 115, 116, 117,
303, 392, 482–485, 498.
....., Bermuda, 168.
....., Carolina North, 159 ii,
211.
....., Carolina South, 10.
....., Georgia, 43, 391.
....., Governors' instructions,
204.
....., Jamaica, 29, 486.
....., laws *etc.* affecting Great
Britain, 196.
....., Leeward Islands, 215,
303.
....., Massachusetts Bay, 38,
42, 505.
....., (erroneously entered
as New Hampshire, *v.* Corri-
genda), 194.
....., Newfoundland, 223,
229.
....., New Hampshire, 104–
108, 152, 153, 197, 198, 203,
210.
....., New Jersey, 103, 167,
201, 202, 226, 232, 233.
....., New York, 103, 224, 227,
230, 231.
....., Nova Scotia, 500, 501.
....., St. Christopher, 30.
....., Surveyor General, 333.
....., Virginia, 112, 118.
George II, King in Council, order
signed by, 40, 205, 205 i, 230,
231, 232, 233, 247, 398, 483,
484.
Georges, —, befriended by Charles
de la Goudalie, 259 ix, x.
Gibbon, Jno., document signed by,
29 i.
Godalie. *See* Goudalie.
Godfrey, Nich., Clerk in H.M.S. *Salis-
bury* ? document signed by,
404 iv.

- Gooch, William, Lieutenant Governor of Virginia, Commission of Lieut. Governor Ogle, security entered before, 316.
, *A Dialogue between Thomas Sweet-Scented, William Oronoco, Planters, and Justice Love-Country*, written by, 149 i.
, examination of Col. Spotswood's charges by, 109.
, instructions for, 314 i.
, letter from, 28, 80 i, 149, 241, 308, 309, 321, 342, 376, 406.
, extract of, 24.
, proclamations by, 149 p. 98, 308 p. 177, 308 i.
, queries to, reply to, 87 p. 61.
,, concerning laws *etc.* in the Plantations, reply to, 406.
, representation concerning Sugar Colonies, reply to, 80 ii.
, speech of, 241, 241 i.
,, reply to, 241 ii.
 Gordon, Patrick, Lieutenant Governor of Pennsylvania, case of Judge Browne, action taken by, 209.
,, complaint against, by Judge Browne, reply to, 207.
,, Indian trader examined by, 41 vii.
,, letter from, 449, 449 i.
,, copy of, 41 ii.
,, letter to, copy of, 41 iii.
,, papers concerning French encroachments forwarded by, 35, 41.
,, queries concerning laws *etc.* affecting British Trade and Navigation, reply to, 87 p. 61, 449, 449 i.
, Peter, Bailiff of Savannah, Georgia, Commission of, 441.
,, as Conservator of the Peace, 442.
, William, Custos and Colonel of Militia, and Councillor Jamaica, recommendation of, 170, 277, 462.
 Goudalie (Godalie), Charles de la, French missionary sent to Minis, activities of, objection to, 259 v. vi.
,, befriends Georges, 259 ix, x.
,, complaint against, 259 p. 147, 454 i.
,, conduct of, 455 ii (v).
,, letter from, 259 viii, ix, x.
 Goudalie (Godalie), Charles de la—
cont.
,, letter to, 259 v, vi.
,, recommendation of, 455 vii.
 Granville, Sir B., late Governor of Barbados (1702), extract from instructions to, 303 ii.
 Green, Paul, mariner, tried for piracy at Philadelphia, 187.
 Gregory,, Councillor, Jam., in England, 292.
, Theophilus, Master in Chancery, Carolina South, Commission of, 120.
 Grene, James, attorney, Philadelphia, affidavit of, 209.
 Grivois, Pierre, priest, Minis, N.S., 259 ix.
 Grymes, John, Councillor and Receiver General, Virginia, document signed by, 24.
- ## H
- Haggatt, Othniel, Councillor Barbados, appointment of, 88, 110.
,, not confirmed, 69.
,, warrant for, 116.
 Hales, Stephen, M.A., a Trustee of Georgia, appointment of, 258 p. 139.
 Hall, Fayer, Captain, evidence relating to Sugar trade, 80 xiii (*b*), xxi (*a*).
, Hugh, Councillor Barbados, appointment of, 88, 110.
,, warrant for, 117.
,, death of, 452.
,, recommended for Council, 16, 59.
 Halton, Robert, Councillor, Carolina North, 91.
 Hamilton, Ortho, Councillor Nova Scotia, appointment of, 259 p. 146.
,, document signed by, 259 ii.
 Hammerton, John, Register of South Carolina, appointment of, patent for, 446, 448.
,, Assembly's action concerning, 446, 448.
,, letter from, 446, 448.
,, petition from, 448 i.
,, salary of, 446.
 Hansole, John, Nova Scotia, grants of land to, 455 iv.

- Hardinge, N., Clerk of the House of Commons, document signed by, 46 i, 75, 89 i, 100.
- Harnett, Cornelius, Councillor North Carolina, case of, 450.
-, character of, 94 p. 66.
- Harney, John, mariner, tried for piracy, at Pennsylvania, 187.
- Harrington, Lord, one of H.M. Secretaries of State, document countersigned by, 491.
-, papers sent to, 219.
-, petition to, 514.
- Harris, —, observations on the Address of Jamaica Council and Assembly, 327.
- Harrison, Charles, Georgia, lands of, lease for, 478.
-, Henry, Colonel, Councillor Virginia, death of, 406 p. 231, 510 i.
-, document signed by, 24.
- Hart, John, Governor of Maryland, 87 p. 59.
-, lands in Nova Scotia for, to be laid out and surveyed, 500, 501.
-, petition for land in Nova Scotia from, 323 i, 357.
-, clauses concerning quit rents, opinion upon, 362.
-, petition of, granted, 500, 501.
-, Colonel Philipps' support of, 360.
-, queries concerning, 357.
- Hatmakers of Great Britain, memorial concerning, 14.
- Hatters of London, Company of, complaint by, 87 pp. 60, 61.
- Hawk, —, Lieut R.N., 294.
- Hawkins, Captain, North Carolina, interest in silver mine, 376.
- Hayes, Robert, Colonel, regiment of, encouraged to settle in Jamaica, 18 i.
- Heathcote, George, a Trustee of Georgia, appointment of, 258 p. 138.
- Hely, Jno., Major of regiment in Jamaica, letter from, 6 ii.
-, letter to, 6 iii.
- Henderson, Alexander, Attorney General, Jamaica, a cousin of Mr. Popple, death of, 170, 277, 287, 288, 297, 374, 486, 491.
-, estate of, 170.
-, William, Jamaica, brother of Alexander, death of, 264.
-, family of, 264.
- Henshaw, John, Boston, Justice of the Peace, Canso, Commission of, 496 iii.
-, first English settler at Canso, 496 ii.
-, property of, damage done to, 496 ii.
- Herbert, Henry, Doctor of Law, Commission for ecclesiastical offices in Georgia, 445.
-, Joseph, Nevis, document signed by, 72.
- Hercules, Jamaica negro, wounded, 147 v.
- Hetherington, Joseph, London, grant of land in Georgia to, 503.
-, Theophilus, grant of land in Georgia to, 503.
- Hewlett, John, document signed by, 17.
- Hicks, —, Captain, at Jamaica, 19.
- Hobby, —, Jamaica, estate of, 147 iii, v.
-, Sir Charles, regiment of, 259 i.
- Hodges, Richard, Conservator of the Peace, Savannah, Georgia, Commission of, 442.
- Holdsworth, Arthur, merchant of Dartmouth, document signed by, 74.
- Holland, Rogers, a Trustee of Georgia, appointment of, 258 p. 139.
- Hollonnis, John, Speaker of House of Burgesses, Virginia, document signed by, 309 i.
- Homens, Richard, memorial from, 70.
- Horlock, James, Nova Scotia, grants of land to, 455 iv.
- Horsmanden, Daniel, Councillor New York, recommended for Council, 495.
- Hothersall, Byrch, Treasurer Barbados, document signed by, 473 ii.
- Houston, William, Dr. of Physick at St. Andrews University, agreement of, to collect plants for Georgia, 401 (a).
-, instructions for, 416.
-, journey of, instructions for, 416.
-, letter of attorney from, 413.
-, salary of, 401 (a).
-, receipt for, 401 (b).
- How, Edward, Justice of the Peace, Canso, Commission of, 496 iii.
-, document signed by, 496 i.
- Howe, Emanuel Scrope, 2nd Viscount, Governor of Barbados, appointment of, 208.
-, commission for, 208.
-, draft of, 221 i, ii, 222.

- Howe, Emanuel Scrope, commission for *cont.*
 warrant for, 248.
 equipage money, request for, 280.
 instructions for, 208, 471 i, 483, 484.
 draft of, 471 ii.
 additional, 479, 480, 481 i, 482, 485.
 letter from, 280.
 salary, additional, for, 471 i, 479.
 instructions for, 479, 480, 481 i, 485.
 Thomas, Attorney General, Jamaica, appointment of, 170, 172.
- Howell, J., Councillor, Bahamas, document signed by, 310.
- Howes, Thomas, Nantucket, bond of, 404 v-xv.
- Hucks, Robert, a Trustee of Georgia, appointment of, 258 p. 139.
- Hugg, John, Councillor, New Jersey, death of, 191 i.
- Hughes, Joseph, grant of land in Georgia to, 427, 432, 433.
 conditions of, 428.
- Hunter, Robert, General, late Governor of New York and New Jersey, 87 p. 59.
 letters from, 64.
 Major-General, Governor of Jamaica, 83.
 address to, 20 ii, iv, 147 vi, 462 ii.
 reply to, 20 i, iii, 147 vii.
 commendation of, 20 ii, iv.
 complaint against, 254 i, 335 i, 336.
 correspondence with officers of regiments, 6 i, ii, iii.
 health of, 19, 20, 93, 132, 246, 389.
 instructions of, 92, 131, 136 i, 170, 171, 245, 245 i, 335 i, 418.
 additional, 334, 347.
 infringement of, petitions against, 254 i, 305 i, 306.
 leave of absence for, 246, 347, 462 i.
 postponed, 389.
 request for, 132.
 letter from, 6, 6 iii, 7, 19, 20, 92, 93, 131, 132, 146, 147, 170, 171, 172, 250, 251, 251 ii, iv, 252, 264, 292, 293, 293 ii, 388, 389, 462, 463.
- Hunter, Robert, letter from—*cont.*
 extract of, 79, 245 ii, iii.
 letter to, 6 ii, 147 i, iii, iv, 251, 251 v, 286, 292 i, 373, 414, 417.
 message to, from Assembly, 251 iii.
 reply to, 251 iv.
 queries to, reply to, 388.
 return to England, 325 i.
 salary of, 131.
 speech of, 6, 6 i, 7, 7 i, 19 ii, 20 ii, 170, 170 i, 171, 171 i, 462 i.
- Husk, Ellis, Captain, Councillor Massachusetts Bay, proposed for Council, 464.
- Hutcheson, , letter to, 504.
- Hutchinson, Thomas, J.P. Suffolk County N.E., Commission as Judge in Mr. Byfield's case, 99 vii, viii.
 refused by, 99 ix (a).
- Hyde, Henry, fifth earl of Rochester, 253.

I

- Indians, Articles of Peace with, in New England, 454 p. 251.
 in Nova Scotia, 454 p. 251.
 Carolina, fights between, 436.
 in Carolina South, Spanish intrigues with, 394 p. 217.
 Cattawbas, 436.
 war with Tuscaroras, 490, 490 iii.
 Chieksaws, 490 p. 276.
 Choektaws, 490 p. 276.
 Creek, 394 p. 217, 490 p. 276; *and see under* Carolina, South.
 danger from, to new settlements, 129 p. 85.
 Eastern, in Nova Scotia, 360.
 Five Nations, in New York, 381.
 peace with Tuscaroras, 490 p. 276.
 support of Carolina Indians feared from, 271, 271 i, 274.
 friendship with French, danger from, 371 (xvii).

Indians—*cont.*

-, French intrigues with, 454, 455; *and see* France and the French: Nova Scotia.
-, fur trade, 455 ii (vii).
-, Iroquois, Country of, fort erected by French in, 160 i.
-, Mosquito (Musketo), used against negroes in Jamaica, 7 i.
-, Penobscot, Chief of, Commission from French Governor for, 359 p. 200.
-, Governor Beleher's meeting with at Casco, 294.
-, presents for, 294.
-, raid on Spaniards, 490 p. 276.
-, sale of rum to, Acts prohibiting, laid before House of Commons, 86.
-, Seneca, dispute with Tuscaroras, 490, 490 iii.
-, Tuscaroras, charges against, 490, 490 ii, iii, iv.
-, complaint against, 94 p. 68.
-, conference with, 94 p. 68.
-, depredations by, 490, 490 ii, iii.
-, King of. *See* Blunt, William.
-, Mr. Watis' mission to, 490, 490 iii.
-, war with, danger from, 270, 271, 273, 274.
-, between tribes, 490 iii.
-, in North and South Carolina, measures to prevent, 270, 271.
-, Western, in Nova Scotia, 360.
-, white men killed by, 490 p. 276.
- Irwin, Lord, late Governor of Barbados, equipage money for, 280.

J

- Jacks, Captain, South Carolina, killed by Indians, 490 iii.
- Jaffery, George, Councillor, New Hampshire, and Deputy Judge of Vice-Admiralty, proposed as Judge of Vice-Admiralty, 238 p. 122.
- James II, King, grants of lands in Virginia by, 125.
- Jeffry, James, Clerk of Assembly, New Hampshire, document signed by, 21.

- Jencks, Joseph, Governor of Rhode Island, address and petition from, representation upon, 367 i.
-, document signed by, 515 i.
-, petition from, 340 i.
-, report upon, 340 i.
-, queries from, opinion upon, 367 i.
-, reply to, 340.
- Jenour, Joseph, Councillor, Carolina North, 91.
- Jephson, John, Captain, Acting Fort Major, Annapolis Royal, correspondence with Major Cosby, 259 p. 146.
-, grants of land to, 455 iv.
- Jesup, Edward, Provost Marshall, Leeward Islands, document signed by, 48 i-iii.
- Johns, Lewis, North Carolina, case of, 377 p. 211.
- Johnson, Isaac, Boston, bond of, 404 v-xv.
-, Matthew, murder of, 143 i, 298.
-, Sir Nathaniel, lands of, in South Carolina, patent for, not valid, 369, 394 p. 218.
-, Robert, Governor of South Carolina, Acts dealing with Summons for Civil actions, opinion upon, 124.
-, advertisement in reply to Governor Burrington, concerning boundaries with Car. N., 490 i.
-, Capias Act, dispute concerning recommendation for repeal of, 393, 394 p. 218.
-, charges against, 393, 395.
-, reply to, 393, 394 pp. 218, 219.
-, charges by, 394 pp. 218, 219.
-, complaint against, 475 i.
-, by Mr. Frewin, 390.
-, Mr. Frewin recommended to, 390.
-, instructions of, 255, 283, 319, 322, 322 i, 407, 431 p. 242, 466.
-, additional, 127 ii, 290.
-, draft of, 262 i.
-, alterations in, 239.
-, concerning Georgia, 368 i, 391, 398, 422.

Johnson, Robert, instructions of—*cont.*
 concerning Indians,
 270, 271, 273, 274.
 instruction xix, act
 passed under, 234.
 instructions from, 490 ii.
 land office opened by,
 84.
 letter from, 120, 143,
 281, 283, 393, 394, 407, 408,
 437, 466, 467, 487, 488, 489,
 490.
 abstract of, 504.
 letter to, 298, 422,
 475 ii, 490 iv.
 memorial to, 143 i.
 queries for, reply to, 437.
 warrant by, 475 vii.
 wife and son, deaths of,
 393, 394.
 Johnston, Gabriel, Governor of Caro-
 lina North, Commission of,
 draft of, 159 ii.
 Jones, —, Brigadier-General, Colonel
 of regiment in the Leeward
 Islands, memorial from, 236 i.
 Anne, Virginia, character of,
 358 i.
 letter from, 315 i.
 copy of, 376.
 memorial from, 358 i.
 petition from, 363.
 residence in Major
 Fitzhugh's family, 358 i.
 Noble, Conservator of the
 Peace, Savannah, Georgia, Com-
 mission of, 442.

K

Kay, Nathaniel, Collector of Customs
 Rhode Island, letter from, 509.
 Keen, William, J.P. St. John's, case
 against, 404 i p. 226.
 answer to, 404 xvi
 charges against, 81, 81 i.
 complaint against,
 deposition concerning, 404
 xvii-xxi.
 Keene, —, H.M. Minister Plenipoten-
 tiary in Spain, letter from,
 extract of, 414.
 papers sent to, 430.
 under flying seal,
 417.
 Keith, Sir William, late Governor of
 Pennsylvania, petition of, 314 i.

Kilby, Thomas, Justice of the Peace
 Canso, Commission of, 496 iii.
 Kollock, Cornelius, Philadelphia, bond
 of, 404 v xv.

L

Lacy, James, London, grant of lands
 in Georgia to, conditions govern-
 ing, 502.
 Roger, London, grant of land
 in Georgia to, 503.
 Lake, Sir Bibye, petition of, 346.
 Lamb, —, Jamaica, 147.
 Ebenezer, Captain in charge of
 expedition against negroes,
 Jamaica, Journal of, 462 iii.
 Lamberth, Lieut., Jamaica, 147 iii.
 Lamport, William, Clarendon, Jamaica,
 Commission as Captain of party
 against negroes, request for,
 292 i.
 Lane, Henry, Councillor New York,
 recommended for Council, 495.
 Sir Richard, Worcester, letter
 from, 151.
 Laroche, John, a Trustee of Georgia,
 appointment of, 258 p. 139.
 Latour, James St. Estien de, Seigneur
 of Nova Scotia, 259 p. 147.
 family of, 259 p. 148 ;
and see D'Entremont ; Plain-
 marais ; Bellisle ; Campbell.
 Agatha.
 patent for lands in Nova
 Scotia, 326.
 Lawes, —, Councillor, Jam., in Eng-
 land, 292.
 Le Blanc, René, of Grand Pré, Minis,
 deposition of, 259 p. 147, 259 xi.
 Lee, —, Captain, Jamaica, death of,
 147 iii, v.
 Thomas, Colonel, Councillor
 Virginia, proposed for Council,
 510 i.
 recommended for Council,
 406 p. 231.
 Leheup, Peter, Clerk of the Treasury
 and agent for Barbados and
 Virginia, letter from, 69, 510.
 letter to, 510 i.
 Leslie, William, Councillor Barbados,
 death of, 498.
 Lestock, —, Captain, R.N., arrival of,
 at Jamaica, 264, 293.
 Lilly, —, Colonel, Engineer, Jamaica,
 Commission refused by, 171.
 difficulties with, 292.

Lincoln, Bishop of, Jonathan Belcher Junior, visits, 126.
 Little, William, Councillor, Receiver General and Chief Justice of North Carolina, 377 p. 210.
, accounts of, 94 p. 67, 95 i.
, appointment of, 461 p. 259.
, document signed by, 461 iv, vii.
, letter from, 95 i.
, payments made to, 91, 91 vii.
 Liverpool, merchants trading to Jamaica, petition from, 306.
 London, Bishop of, Commissary of, 129 p. 85.
, merchants of, complaint concerning Plantation trade from, 176 i.
, petition from, 77 i.
, representation upon, 196, 205.
, trading to Jamaica, petition from, 305 i.
, trading with the Plantations, petition from, 87 p. 56.
, report upon, 36.
, trading with Virginia, petition from, 24.
, observations upon, 32.
 Lorey, Thos., Councillor Bahamas, document signed by, 310.
 Louis XIV, King of France, Commissions in Nova Scotia granted by, 313.
 Louis XV, King of France, order for the evacuation of Sta. Lucia *etc.*, by, 25, 25 i, 291.
 Lovick, John, Councillor, Carolina North, appointed by Governor, 91, 377 p. 210.
, charges against, 91 (ii).
, letter from, 95 iii.
 Lowndes, Thomas, Provost Marshall and Clerk of the Peace and Crown South Carolina, charges against, by Governor Johnson, 394 pp. 218, 219.
, charges by, against Governor Johnson, 393, 395.
, reply to, 394 pp. 218, 219.
, grant for baronies sold by, 394 p. 218.
, memorial from, 393.
, objection to Capias Act, 124.
, petition from, 393, 394 p. 218, 395.

Lowther, Robert, late Governor of Barbados, equipage money for, 280.
 Lumman, George, Boston, bond of, 404 v-xv.
 Lyon, Henry, Antigua, Act concerning, 158.

M

McCarty, Robert, Donough, Baron Muskery, Commander R.N., Governor of Newfoundland, appointment of, 150.
, Commander of *Romney* H.M.S., 150.
 McCornick, Alexander, Carolina South, trial of, for murder, 143 i.
, reprieved, 143 i, 298.
 MacFerson, John, mariner, Pennsylvania, tried for piracy, 187.
 MacLaughlin, William, St. John's, deposition of, 404 xx.
 Magra, Wm., Placentia, document signed by, 331 i.
 Malpas, Lord. *See* Cholmondeley.
 Manley, Jno., document signed by, 98 i.
 Marchau, Francisco Lopez, Commander of *La Dichosa*, 415, 417.
 Marshall, —, Postmaster Boston, death of, 307.
 Martin (Martyn), Benjamin, Secretary to Trustees for Georgia, letter from, 422.
, Sir Matthew, grant of lands in Nova Scotia to, 259 p. 148, 259 xiii.
 Martyn, Moses, South Carolina, lands of, 475 vii.
 Mascarene, Paul, Major, Councillor Nova Scotia, 259.
, in Colonel Philipps' regiment, 122.
, Commission as Lieutenant Governor, request for, 185.
, grant of land to, 455 iv.
, objection to, as Lieut.-Gov., 178.
, recommended as Lieut.-Governor, Massachusetts Bay, 122.
 Mathew, William, Lieut.-General of the Leeward Islands, 48.
, removal of Chief Justice Browne from office by, 215.

- Mathews, —, Solicitor to Mr. Blake, letter to, 8.
- Mattos, Simon, Don, Commander of Spanish privateer, capture by, 415, 417.
- Maugir, Matthew, memorial from, 70.
- Maxwell, Jos., Clerk of Council, Jamaica, document signed by, 20 ii, 83 i, 245 i, 251 vi.
- Maynes, Robert, Falmouth, N.H., document signed by, 359 p. 201.
- Mead, Samuel, Commander of *Royal Carolina*, Commission of, 361, 361 i.
- Melancon, Peter, letter from, 313.
- Menzies, John, Judge of Admiralty Court, New England, appointment of, 99 i.
-, death of, 99 i p. 74.
- Micklethwaite, Joseph, Viscount, Secretary, Barbados, accounts of, dispute concerning, 237.
-, petition of, representation upon, 237.
- Miller, John, Boston, bond of, 404 v-xv.
-, Philip, gardener, Chelsea, letter of attorney to, 413.
- Millière, de la, Captain, Jamaica, conduct of, 6 iii.
-, Court Martial desired by, 6 iii.
- Mitchell, William, Fishing Admiral, Newfoundland, 404 i p. 227.
- Montgomerie, John, Governor of New York and New Jersey, 67 ii.
-, complaint by, concerning expense of New Jersey administration, 253.
-, death of, 247, 518.
-, instructions of, 51, 64, 191 i, 192 i, 247.
-, refusal to comply with, 51, 64.
- Montgomery, John, Attorney General, Deputy Inspector and Controller General, North Carolina, charges against by Governor Burrington, dropped, 461 p. 259.
-, charges by, against Governor Burrington, 377, 459, 461.
-, complaint against, 453.
-, hostility to Governor, 119.
-, memorial and remonstrance from, 377, 461.
- Moore, —, family of, settled at Cape Fear, 94 p. 70.
-, John, master of *Agnes & Mary*, Newfoundland, affidavit of, 82, 163 vi, 235.
- Moore, John, *cont.*
-, case of servant of, representation upon, 404 i p. 226.
-, John, Clarendon, Jamaica, document signed by, 292 i.
-, Maurice, Councillor, North Carolina, case of, 377 p. 210.
-, Samuel, Councillor Jamaica, death of, 462.
-, Colonel, North Carolina, interest in silver mine, 376, 461 p. 260.
- Morant, John, Jamaica, negroes of, disturbances among, 388 p. 214.
- More, Colonel. *See* Moore.
- More, Robert, a Trustee of Georgia, appointment of, 258 p. 139.
- Morris, John, Councillor, Antigua, appointment of, 60, 173, 179, 199.
-, warrant for, 212.
-, Lewis, President of Council and Commander in Chief, New Jersey, 87 p. 61.
-, letter from, 253.
-, proposed as Governor of New Jersey if separated from New York, 253.
-, services of, in connection with surrender of Government to Crown, 253.
-, Valentine, Colonel, Antigua, letter from, 173.
- Morrison, Andrew, Captain of party against negroes in Jamaica, 147.
-, company of, 170 i.
-, complaint by, 147, 147 iii.
-, letter from, 147 iii.
-, in possession of negro towns, 250.
- Moseley, Edward, Councillor, Speaker and Surveyor General North Carolina, 355 p. 197.
-, case of, 377 p. 210, 461 p. 260.
-, charges against, 94 p. 67.
-, sent to prison by Governor, 377 p. 210.
- Mumms, Thomas, St. Johns, deposition of, 404 xviii.
- Muskery, Lord. *See* McCarty.

N

Nedham, —, Colonel, Jamaica, negroes of, desertion of, 19.

Nedham, —, Colonel—*cont.*
, Titchfield Fort built by,
 292.
 Negroes. *See under* Plantations ; *and*
under Separate Colonies ; South
 Sea Company ; Assiento Com-
 pany.
, for rice and tobacco planta-
 tions, 31 i p. 22.
 Newcastle, Duke of. *See* Pelham,
 Hollis.
, Duchess of, present of live
 beavers for, 429.
 Newman, letter from, 412.
 Nichols, William, Deputy Sheriff, Mass.
 Bay, writ served by, 99 xii.
 Nicholson, Francis, General, late
 Governor of Nova Scotia, ex-
 pedition of, 326.
,, petition to, 313, 326.
 Noden, Ralph, Agent for Lieut.-
 Governor Pitt, Bermuda, 457.
 Norris, —, New Hampshire, case of,
 opinion upon, 359 p. 200.
 North, Edward, South Carolina, em-
 ployed by Mr. St. John, 475 i.
,, proceedings against,
 475 i, vi.
 Northey, Sir Edward, late H.M.
 Attorney General, opinion by,
 34.
 Noyse, Dr., brother-in-law of Governor
 Belcher, 129 p. 83.

O

Ochs, John, letter from, 372.
 Ogle, Admiral Sir Chaloner, Comman-
 der-in-Chief of Navy in Jamaica,
 letter to, 415, 430.
,, order concerning *La*
Dichosa, 415, 417, 430.
, Samuel, Lieut.-Governor of
 Maryland, Commission of, to
 be renewed after Governor's
 departure, 316.
,,, securities for, 316.
 Oglethorpe, James, founder and Trus-
 tee of Georgia, South Carolina,
 appointment of, 258 p. 138.
,, accompanies first Georgia
 settlers, 422.
,, Commission of, 470.
,,, to administer
 oaths, 443.
,, encouragement and
 assistance from Governors
 requested for, 444.

Oglethorpe, James—*cont.*
,, lands to be set out by,
 conditions governing, 502, 503.
,, powers for, concerning
 grants of lands in Georgia,
 432, 433.
 Oliver, Robert, Antigua, Act concern-
 ing, 157, 225.
 Osborn, Henry, Captain R.N., late
 Governor of Newfoundland,
 Justices appointed by, 74.
 Owen, Wm., Deputy Judge North
 Carolina, 461 p. 259.
,, document signed by,
 461 v, vi.
 Oxenford, John, Secretary of Customs,
 Inland Revenue, document
 signed by, 76 i, ii, 80 xiii (*a*).
,, letter from, 76.
,, letter to, 1.

P

Page, Mann, Colonel, Councillor
 Virginia, death of, 342.
,, executor of, 308 (xxiii).
 Palmer, Henry, London, letter from,
 178.
, John, London, letter from,
 178.
 Parke, William, Printer, Williamsburg,
 Va., 149 i.
 Parker, Samuel, Constable, Savannah,
 Georgia, Commission of, 441.
 Parsons, R., Comptroller General of
 H.M. Customs, document signed
 by, 98 ii.
 Partridge, Richard, Agent for Rhode
 Island, a kinsman of Governor
 Belcher, 185.
,, letter from, 126.
,, opposition to Mr.
 Atkinson, 238 p. 123.
,, petition from, 515.
 Passley, —, Jamaica, plantation of,
 negroes desert from, 19.
 Patino, —, Governor of Council of
 Finances and Secretary of State
 for King of Spain, memorial
 from, 414.
 Patterson, —, pines cut down by, 129
 p. 84.
 Paxton, —, Capt., 170.
, Charles, Provost Marshall,
 Mass. Bay, charges against,
 99 xi.
 Peers, Henry, Junior, Councillor Bar-
 bados, appointment of, 498.

- Peerce, . . . Clerk of the Markets, Jamaica, death of, 151.
 Joshua, Justice of the Peace, Canso, Commission of, 496 iii.
 document signed by, 496 i.
 Joshua, Councillor, New Hampshire, appointment of, 105, 366.
 recommendation for Council, Governor Belcher's opposition to, 185.
 Pelham, Hollis, Duke of Newcastle, Secretary of State, 12.
 document signed by, 10, 115, 118, 152, 153, 194, 210, 211, 212, 215, 228, 246, 248, 287, 288, 333, 365, 366.
 letter from, 13, 25, 46, 63, 65, 77, 78, 83, 89, 136, 138, 139, 150, 164, 186, 187, 208, 236, 245, 256, 283, 286, 297, 298, 315, 414, 415, 417, 430, 444, 504.
 letter to, 2, 6, 18, 19, 35, 41, 48, 62, 67, 79, 80, 92, 93, 95, 101, 119, 120, 122, 131, 132, 143, 146, 147, 151, 159, 160, 162, 163, 171, 172, 175, 185, 191, 192, 206, 219, 221, 242, 245 ii, 249, 251, 253, 261, 266, 267, 271, 272, 279, 280, 281, 291, 293, 295, 303, 307, 309, 310, 314, 332, 335, 337, 339, 341, 349, 352, 358, 367, 373, 377, 389, 390, 405, 407, 408, 419, 421, 429, 446, 453, 454, 459, 460, 463, 464, 466, 468, 471, 487, 488, 492, 506, 508, 518.
 petition to, 515.
 recommendation by, 512.
 Secretary of . See Delafaye, Charles.
 Pemberton, Robt., Nevis, document signed by, 72.
 Roger, Nevis; document signed by, 72.
 Penn, William, agreement with Lord Baltimore, map annexed to, 511.
 lands near the Great Mountains Virginia, claim to, 372, 376.
 by executors for, 314 i.
 Penrose, John, tything man, Savannah, Georgia, Commission of, 441.
 Percival, Viscount, a Trustee of Georgia, appointment of, 258 p. 138.
 as First President of Corporation, 258 p. 139.
 Peters, Thomas, Captain, guide to expedition against rebellion negroes, Jamaica, 6 iii.
 criticism of conduct of, 250.
 journal of, 147 iv v.
 letter from, 147 iv.
 recommended by Assembly, 250.
 Petre, Robert, eighth baron, payment of part of Dr. Houston's salary by, 401 (a).
 Phenney, George, late Gov. of Bahamas and Surveyor General of Customs in Southern District, appointment to Councils of Virginia and South Carolina, 111.
 warrant for, 333.
 Philip V., King of Spain *calula* of, 415.
 Philipps, R., Governor of Nova Scotia, Commission to Justices of the Peace for Canso, 496 i. iii.
 copy of Seigneurs' grant, 259 xii.
 in England, 326, 359 p. 200.
 grants of land by, 455 iv.
 health of, 326.
 instructions concerning lands between Penobscot and St. Croix Rivers, revoked, 346.
 instructions to, for passing John Hart's grant of lands, 501.
 King's Procurator at Minis appointed by, 259 p. 147.
 letter from, 37, 249, 326, 360.
 extract of, 87 p. 60.
 letter to, 313, 357.
 Major Cosby's appointment, dispute concerning, 435.
 memorial to, 496 ii.
 opinion of, upon Colonel Hart's petition, 360.
 regiment of, 37 i (xx).
 officers. See Mascarene, Paul.
 party for Fredericksfort, 359 p. 199.
 return to England, 37.
 Phinney, John, New Hampshire, sale of pine tree at house of, 359 p. 201.
 Phipps, Spencer, appointed Lieut.-Governor of Massachusetts Bay (erroneously called New Hampshire in text v. Corrigenda), 194.
 Commission of, 341.
 letter from, 341.

- Phipps—*cont.*
 Spencer, Colonel, son of Sir William, recommended as Lieut. Governor, New England, 178.
 Phipps, Sir William, son of. *See* Phipps, Spencer.
 Phips, —, Col., lands of, in N.S. taken for Navy, 85.
 Pindar, William, Councillor Bahamas, document signed by, 310.
 Pirates, from Spanish Islands, damage done by, 454.
 trial at Philadelphia, 187.
 in West Indies, ship commissioned to seize, 361.
 Pitt, John, Lieutenant Governor of Bermuda, letter from, 130, 242, 243, 457, 458.
 letter to, 375.
 salary of, additional, in lieu of whale licences, 242, 457.
 Assembly's attitude towards, 458.
 order for, 375.
 Plainmarais, Margaret (*née* Latour), 259 p. 148.
 Pomroy, John, Boston, bond of, 404 v-xv.
 Poole, Mayor of. *See* Spurrier, Timo.
 Mayor, Aldermen, Burgesses, merchants, traders and masters of vessels, trading to Newfoundland, petition of, 49, 400.
 reply to, 400.
 merchants trading with Newfoundland, memorial from, 162 i, 163 i-iv.
 petition of, 235.
 Popple, Alured, Secretary of Council of Trade and Plantations, cousin of. *See* Henderson.
 a friend of Mr. Bamfield, 394 p. 219.
 letter from, 1, 2, 5, 8, 9, 26, 33, 45, 53, 73, 90, 109, 129, 133, 154, 155, 169, 177, 180, 182, 184, 200, 207, 234, 260, 263, 270, 275, 289, 299, 300, 311, 313, 320, 330, 355, 356, 357, 380, 383, 384-387, 402, 403, 422, 424, 437, 438, 455, 456, 477.
 letter to, 15, 31, 58, 69, 76, 84, 85, 98, 99, 126, 135, 148, 166, 168, 173, 181, 188, 189, 209, 216, 238, 240, 264, 277, 294, 301, 305, 326, 338, 359, 393, 404, 409, 426, 436, 439, 447, 448, 457, 496, 497, 510.
 Porowne, James, Nevis, document signed by, 72.
 Porter, Edmund, Councillor and Judge of Admiralty Court, North Carolina, case of, 91, 91 i-vii.
 charges by, 119.
 complaint against, 94 p. 66.
 dispute with Governor Burrington, 320.
 papers laid before the Admiralty, 356.
 papers laid before the Board, 355.
 letter from, 91.
 letter to, 91 ii, 356.
 reply to, 91 iii.
 memorandum of, 91 i, iv, v, vi, vii.
 representation from, 356.
 suspension of, 91.
 Jno., Councillor North Carolina, case of, 377 pp. 210, 211.
 lands of, claimed by Governor, 377 pp. 210, 211.
 Portland, Duke of. *See* Bentinck, William Henry.
 Preville, —, son-in-law of Bourg, 259 xi.
 Provost, Wm., Councillor New York, transferred to New Jersey Council, 459.
 Purlie, Mrs., daughter of James Latour, Nova Scotia, 259 p. 148.
 Pury (Purry), Jean Pierre, agent of, 239; *and see* Vat, John.
 arrival of, 487, 504.
 grants of land in South Carolina to, 127 i, ii, 262 i.
 conditions of, 262 i, 290.
 instructions concerning, 290.
 settlement of Swiss Protestants by, draft of instructions for, approved, 319.
 history of, 239.
 instructions for, 255.
 question of quit rents, 239.
 representation upon, 127 i.
 Pusey, —, late Councillor Jamaica, enquiry concerning, 373.
 Pym, Thos., Nevis, document signed by, 72.

Q

- Quakers. *See under* Separate Colonies, Acts concerning.
 Quakers, in Massachusetts Bay, Act in favour of, 129 p. 85.
 Quinzy, Colonel, lands of, in N.S. taken for Navy, 85.

R

- Randolph, Isham, Captain, Agent for Virginia, character of, 24 p. 19.
, letter from, 24, 28, 32.
 John, Agent for Virginia, appointed agent for tobacco planters, 308 p. 177, 309.
,, commendation of, 309, 321.
,, measures for amending the management of the tobacco trade to be explained by, 309, 309 i.
, Richard, lands of, Act concerning, 195.
, William, Councillor, Virginia, document signed by, 24.
,, lands of, Act concerning, 195.
 Rees, William, merchant, Jamaica, case of, 286, 286 i.
,, petition of, 286 i.
 Rent (Kent), Matthew, master of the *Woolball*, 415, 417.
 Reyner, William, Georgia, lands of, lease for, 478.
 Reynolds, —, Collector at Piscataqua, N.H., instructions to, 135 i, ii.
, Anthony, New Hampshire, recommendation for Council, referred back, 56.
 Rice, Nathaniel, Councillor and Secretary of North Carolina, Caveat entered by, 461 p. 260, 461 iii.
,, charges by, against Governor Burrington, 377, 459, 461.
,, complaint against, 94 p. 66, 119, 453.
,, memorial and remonstrance by, 377, 378, 379, 461, 461 i, ii.
 Richardson, John, Councillor and President of Council, Nevis, death of, 451.
 Rindge, John, Councillor (?) N.H., sent home as Representative, 85.
 Roberts, —, petition from, 129 p. 84.
 Robinson, John, Councillor, Virginia, document signed by, 24.
, John, Colonel, Surveyor General of Virginia, appointment of, 308 p. 178.
,, salary of, 308 p. 178.
 Rochester, Earl of. *See* Hyde.
 Rodon, Tho., Clarendon, Jamaica, document signed by, 292 i.
 Rogers, John, Boston, bond of, 404 v-xv.
, Woodes, Captain, Governor of the Bahamas, Captain of Independent Co. at Providence, 304.
,, death of, 304, 310.
,, lease of the Bahamas to, from the Lords Proprietors, 114.
 Rolfe, Benjamin, Clerk of Court of Assize, Boston, deposition of, 99 vi.
,, document signed by, 99 xii.

S

- St. John, James, Surveyor General and Inspector of Quit rents in North and South Carolina, absence in North Carolina, 475.
, charges against, reply to, 475, 475 i, ii.
,, complaint by, 283.
,, conduct of, 487, 504.
,, Deputy Auditor, Inspector and Comptroller North Carolina, 283, p. 163.
,, papers transmitted by, 431.
,, difficulties with, 283 p. 163.
,, fees of, 475 i, ii.
,,, exorbitant, 283 p. 163.
,,, list of, 475 iii.
,,, resolution concerning, 475 v.
,, letter from, 161, 369, 370.
,, memorial by, 370.
,, removal of, urged, 504.
,, warrants for, 475 vii.
 St. Julian, —, Charles Town, plants for Georgia to be sent to, 416.

- St. Ponce (Poney), M. de, French missionary, sent to Port Royal, 454 i. ii.
 recommendation of, 455 vii.
 Salmon, John, Georgia, lands of, lease for, 478.
 Sambo, free negro, Jamaica, party of negroes led by, 147, 250.
 Sate, —, North Carolina, case of, 450.
 Scott, Francis, Conservator of the Peace, Savannah, Georgia, Commission of, 442.
 Scrope, J., Secretary to the Treasury, letter from, 15, 409.
 letter to, 33, 109, 234, 456.
 Shank, Peter, affidavit of, 235.
 case against William Keen, 404 i p. 226, 404 xvi.
 depositions concerning, 404 xvii–xxi.
 deposition of, 81, 163 v.
 Sharpe, John, Agent for the Leeward Islands and Maryland, 125.
 petition of, 8.
 William, Clerk of the Privy Council, document signed by, 29, 30, 39, 40, 42, 43, 55–57, 59–61, 103–108, 110–112, 196–199, 201–204, 222–224, 226, 254, 255, 343, 344, 345, 346, 391, 392, 396, 411, 418.
 letter from, 68.
 Shelton, Richard, late Secretary for Carolina and the Bahamas, memorial from, 257, 278.
 recommendation of, 278.
 salary of, in arrears, 257.
 services of, 278.
 Sherburne, Joseph, Colonel, Councillor, Massachusetts Bay, proposed for Council, 464.
 Shirley, William, Advocate General of Admiralty Court, Massachusetts Bay, application for Attorney Generalship, 382.
 applies for appointment as Post Master, 307.
 appointment as Attorney General of New York, 339.
 letter from, 307, 339.
 recommended, 99.
 Shirreff, William, Councillor and Secretary of Council, Nova Scotia, 259.
 document signed by, 259 ii.
 letter to, 259 iii.
 Shute, Samuel, late Governor of New England, Mass. Bay, and New Hampshire, 87 p. 58, 279.
 Sinclair, —, Jamaica, assaulted by William Rees, 286 i.
 Skeene (Skene), —, Councillor, South Carolina, townships surveyed by, 283.
 Skene, William, Councillor, Nova Scotia, 259.
 document signed by, 259 ii.
 Slaughter, William Constable, St. John's, 404 xviii.
 deposition of, 404 xix.
 Sloper, William, a Trustee of Georgia, appointment of, 258 p. 139.
 Smart, —, Captain, Canso, action taken by, 454 p. 251, 455 p. 254.
 French driven from Canso by, 259 iv.
 Smith, Daniel, Nevis, document signed by, 72.
 E., Councillor and late Chief Justice of North Carolina, charges against, by Governor Burrington, 450.
 complaint against, 94 p. 66.
 dispute with Governor Burrington, return to England, 269.
 support for, from Hanover Square, 269.
 James, Councillor and Secretary of New Jersey, death of, 429.
 offices held by, 429.
 residence at Philadelphia, 429.
 Jos., Chemist, Virginia, interest in silver mine, 376.
 Joseph, Councillor, New Hampshire, death of, 198, 203.
 superseded on account of residence, 365.
 Michael, Commander-in-Chief of the Leeward Islands, and President of Council, Nevis, acting for Captain General, instructions for, 236.
 address for, 72.
 instructions, additional, for, 39, 40.
 letter from, 47, 48.
 letter to, 236.
 representation from, 80 xxv.
 Samuel, Clarendon, Jamaica, document signed by, 292 i.
 M.A., a Trustee of Georgia, appointment of, 258 p. 139.
 Thomas, document signed by, 17.

Smith, Thomas *cont.*

....., Georgia, lands of, lease for, 178.

....., W., Secretary to the South Sea Company, document signed by, 285.

....., letter to, 299.

....., Wavell, Secretary of St. Christopher, document signed by, 48 i iii.

....., William, Chief Baron of Court of Exchequer, Carolina North, appointment of, warrant for, 211.

....., Chief Justice of North Carolina, charges against Governor Burrington, reply to, 153.

....., charges by, against Governor Burrington, reply to, 459.

....., complaint against, 453.

....., complaint by, 377 p. 210.

....., letter from, 302.

....., representation from, 311.

....., resignation of, 461.

Solicitor General. *See* Talbot, Charles.

....., opinion by (1730), 101.

Southek, Captain, officer in General Nicholson's expedition, copy of M. Subercasse's passport by, 326.

Spain, King of. *See* Philip V.

Spatchers, William, Councillor, Bahamas, document signed by, 310.

Spencer, Thos., Councillor Bahamas, document signed by, 310.

Spotswood, Alexander, Colonel, late Lieut. Governor of Virginia, expenses of journey and treaty with Indians, examination into, 109.

Spurrier, Timo., Mayor of Poole, document signed by, 49, 400.

....., letter to, 438.

....., representation from, 404 i p. 226.

Squib, Francis, J.P. Trinity, Newfoundland, charges against, 82, 404 i pp. 226, 227.

....., suspension of, 404 i p. 227.

Stanley, J., a Commissioner of H.M. Customs, document signed by, 135 i.

Stanyan, Temple, Clerk of the Privy Council, document signed by, 167, 168, 479, 480, 482, 486, 498, 500, 501, 505.

Steel, Thomas, Captain, Justice of the Peace, Suffolk County, N.E., Commission as Judge in Mr. Byfield's case, 99 vii, viii.

....., refused by, 99 ix (a).

Steel, Thomas, Captain *cont.*

....., proposed as Judge of Vice Admiralty Court, 238 p. 122.

Stevens (Steevens), C., R.N., Lieutenant of H.M.S. *Salisbury*, document signed by, 404 i p. 227, 404 iv.

Stewart, , Rear-Admiral, R.N., 19, 264.

....., commendation of, 114.

....., departure of, 293.

....., John, planter, South Carolina, 175 i.

....., John, Speaker of Assembly, Jamaica, document signed by, 20 iv, 83 ii, 245 i, 251 vi.

....., Thomas, Nevis, document signed by, 72.

Stoddart, Anthony, J.P. Suffolk County, N.E., appointment as Judge in Mr. Byfield's case, 99 vii, viii, ix (b).

....., refused by, 99 ix (a).

Stout, , Councillor, Jamaica, remoteness of residence of, 292.

Strickland, Sir William, Secretary of War, letter from, 251, 251 v.

....., letter to, 96, 252, 373, 425.

....., papers forwarded to, 259 p. 146.

Stringer, , Jamaica, estate of, 147 v.

Subercasse, Mons., original pass of, in Nova Scotia, request for, 313.

....., not found, 326.

....., copy by Captain Southek, 326.

Surraige, Josias, Boston, bond of, 404 v-xv.

Swan, , North Carolina, case of, 461 p. 260.

Swazey, Samuel, Salem, action brought against Judge Byfield by, 99 i-xii.

Swiss Protestants, settlement of, in South Carolina, 239; *and see* Pury, Jean Pierre.

....., expenses of, 127 i.

....., grants of land for, 127 i, ii.

....., journey of, 514.

....., petition from, 514.

Syme, George, Conservator of the Peace, Savannah, Georgia, Commission of, 442.

Symonds, Ja., Nevis, document signed by, 72.

T

Tailer, William, Colonel, Lieutenant Governor of Massachusetts Bay, commission of, extracts from, 516.
 death of, 122, 178, 238 p. 122.
 son in law of Mr. Auchmuty, 99.
 Talbot, Charles, Solicitor General, letter from, 348.
 letter to, 9, 169, 275, 289, 311.
 opinion by, 188, 340, 367 i, 387.
 South Carolina quit rent Act referred to, 431 p. 241
 Talcot, Joseph, Governor of Connecticut, letter to, 402.
 queries for, 402.
 Tate, —, Capt., Car. N., case of, 94 p. 66.
 Taverner, Jacob, J.P. Trinity, Newfoundland, charges against, 82.
 complaint against, 404 i p. 226.
 Thomas, master of *Samuel d Dore*, 81.
 Taylor, John, Councillor, Virginia, appointment of, 112.
 warrant for, 118.
 recommended for Council, 27.
 Thomas, John, master of the *Ann* ship, 440.
 Thomlinson, —, Agent for New Hampshire, 21.
 Thompson, Captain, Commander of *Two Brothers*, 514.
 John, mariner, Pennsylvania, tried for piracy, 187.
 Richard, President of Council, Bahamas, letter from, 310.
 Junior, Councillor, Bahamas, document signed by, 310.
 Tilsey, Roger, Fishing Admiral Newfoundland, 404 i p. 227.
 Tomlin, Thomas, planter, Jamaica estate of, act concerning, 250 i.
 Toppan, —, N.S., claims of, 85.
 Totterdell, John, document signed by, 29 i.
 Tower, Thomas, a Trustee of Georgia, appointment of, 258 p. 138.
 Townsend, Harrison, document signed by, 29 i.
 Triby, —, M.P. for Dartmouth, 74.

V

Vallis, Joseph, master of *Friend d Adventure*, deposition of, 82.
 Joseph, Newfoundland, representation from, 404 i p. 226.
 Van Dam, Rip, President of Council New York, 495.
 commission of, 247.
 letter from, 218, 219, 265, 266.
 copy of, 41 iii.
 extract from, 41 i.
 letter to, 64, 200.
 copy of, 41 iv.
 papers concerning encroachments by French forwarded by, 35, 41.
 refusal to act as Chancellor in Chancery Court, 51, 64.
 report by, 87 p. 60.
 representation from, 2, 2 i.
 salary of, on assuming government, 247.
 Vassal, Leonard, appointment as Judge in Mr. Byfield's case, by Governor Belcher, not approved by Council, 99 ix (b).
 Vat, John, Agent for M. Pury, petition of, report upon, 239.
 representation from, 127 i.
 Vaudreuil, M. de, Governor of Canada, patent for grants on St. John's River from, 259 xi.
 Vaughan, —, late Lieutenant Governor of New Hampshire, Commission of, superseded, 279.
 son of, 129 p. 83.
 Vernon, James, a Trustee of Georgia, appointment of, 258 p. 139.
 Ja., Clerk of the Privy Council, document signed by, 137, 316–319, 322, 323, 324, 325.
 Vetch, —, Colonel, late Governor of Nova Scotia, 87 p. 58, 259 i.

W

Wager, Sir Charles, a Lord Commissioner of the Admiralty, 114.
 letter to, 182,

- Walcot, —, pines cut down by, 128 p. 84.
- Waldegrave, E., H.M. Ambassador in Paris, papers sent to, 160 i.
- Waldo, Samuel, 294.
-, charges against Colonel Dunbar, 85.
-, lands claimed by, 85.
-, opposition to Colonel Dunbar, 359 p. 203.
-, petition of, 346.
- Waldron, Richard, Councillor, New Hampshire, appointment of, 107, 153.
-, appointed Deputy Judge of Vice-Admiralty Court, refuses to act, 359 p. 202.
-, document signed by, 244 i.
-, objection to, 238 p. 123.
- Wallace, William, South Carolina, estate of, 475 vii.
- Wallis, John, South Carolina, lands of, 475 vii.
- Walpole, Edward, 512.
-, Horatio, Auditor General to the Plantations, 64.
-, letter from, 51, 475.
-, letter to, 475 i.
-, Mr. St. John's case laid before, 504.
-, Sir Robert, Chancellor of the Exchequer, letter to, 151, 278.
- Walterman, Richard, J.P. Trinity, Newfoundland, complaint against Mr. Squib, 404 i p. 227.
- Walters, Robert, Councillor New York, death of, 192 i, 495.
- Walton, Shadrack, Colonel, President of Council New Hampshire and Commander of Fort William and Mary, affidavits by, 188, 279.
-, refusal to admit Lieut. Governor Dunbar to fort, Governor Belcher's explanation of, 279.
- Waring, —, Councillor, South Carolina, townships surveyed by, 283.
- Warrell, Joseph, Councillor New York, recommendation of, 495.
-, recommended for Council, 495.
- Waterhouse, —, Captain, R.N., Heads of Enquiry for, 180.
- Waterland, William, Bailiff of Savanah, Georgia, Commission of, 441.
-, as Conservator of the Peace, 442.
- Watkins, Dr., Virginia, interest in silver mine, 376.
- Watis, William, Agent for Indians South Carolina, instructions to, 490 ii.
-, letter from, 490 iv.
-, mission of, Journal of, 490, 490 iii.
- Webbe, George, Nevis, document signed by, 72.
- Webster, William, Deputy Secretary, Barbados, accounts of, 237.
-, Deputy Clerk of Council, document signed by, 474.
- Welch, Philip, St. John's, deposition of, 404 xviii.
- Wells, Francis, Justice of the Peace, Canso, Commission of, 496 iii.
- Wentworth, Benning, Councillor New Hampshire, affidavit of, 279.
-, appointment of, 104, 366.
-, Governor Belcher's objection to, 244.
-, recommendation for Council, opposed by Governor Belcher, 185.
-, Thomas, Councillor, New Hampshire, removal of, as not resident in the Province, 210.
- West, John, tything man, Savanah, Georgia, Commission of, 441.
- Westbrook, Thomas, Colonel, Councillor, New Hampshire, non-resident in Province, 183.
-, rates paid in pine trees, 359 p. 201.
- Westmorland, Earl of. *See* Fane.
- Wetherby, Francis, Nova Scotia, grants of land to, 455 iv.
- Whitaker, Benjamin, late Attorney General and Deputy Surveyor of South Carolina, influence over Mr. St. John, 487.
-, letter from, 475, 475 i, ii.
-, memorial by on behalf of Mr. St. John, 475.
-, report by, 370, 431.
-, support for Mr. St. John, 504.
- White, Samuel, owner of *Nancy* sloop, complaint by, 81 i.
-, reply to, 404 xvi.
- Whittemore, Pelatier, Boston, bond of, 404 v-xv.
-, petition of, 129 p. 84.
- Whitworth, Francis, Secretary, Barbados, accounts of, dispute concerning, 237.
-, petition of, representation upon, 237.
- Wibird (Wybird), Richard, Councillor and late Collector of Customs, New Hampshire, death of, 464.

Wibird (Wybird), Richard—*cont.*
 Junior, Captain, son of
 above, proposed for Council
 New Hampshire, 464.
 Wiggan, Andrew, Speaker of Assembly,
 New Hampshire, document
 signed by, 21.
 Wilks, Francis, Agent for Massa-
 chusetts Bay, 505.
 Act for payment of,
 324 ii (vii).
 opposition to Colonel
 Dunbar, 359 p. 203.
 Willard, J., Secretary and Clerk of
 Council, Massachusetts Bay,
 deposition of, 99 vi.
 document signed by,
 42 i, 324 i, 447 i.
 letter from, 447.
 Williams, —, Clerk of Assembly North
 Carolina, appointment of, 355
 p. 197.
 Jamaica, expedition led
 by, 292.
 Michael, Nevis, document
 signed by, 72.
 Winnet (Winniet), —, Councillor,
 Nova Scotia, character of, 455
 p. 253.
 complaint against, 259
 p. 146, 455 p. 254.
 father-in-law of Major
 Cosby, 259 p. 146, 455 p. 254.
 Wilmington, Thomas, M.P. for Wor-
 cester, letter from, 151.
 Winthrop, —, Colonel, Massachusetts
 Bay, proposed as Lieut. Gover-
 nor, 238 p. 122.
 Wood, William, Agent for Jamaica,
 328.
 letter from, 254, 285,
 305, 306.
 letter to, 300.
 Woodford, William, Virginia, Act con-
 cerning, 308 (xxii).
 Woodley, John, Nevis, document
 signed by, 72.
 Woodstock, —, Jamaica, plantation
 of, raided by negroes, 250.
 Worsley, Henry, late Governor of
 Barbados, 349.
 absence of, 174.
 equipage money as H.M.
 Envoy at Lisbon, 280.
 instructions of, 78 i,
 471 i.

Worsley, Henry, instructions of—*cont.*
 (96th), copy
 required, 89 i.
 letter from, 58.
 memorial from, opinion
 upon, 392.
 representation
 upon, 261 i.
 petition of, 78 i, 177.
 granted, 261 i.
 opinion upon, 214.
 queries, reply to, 87 p.
 62.
 return of, 25.
 salary of, additional, 78 i.
 Secretary's accounts,
 attitude towards, 237.
 speech of, 237.
 Wragg, Samuel, merchant of London,
 document signed by, 305 i.
 part owner of the *Ann*
ship, Charter for, 440.
 Wright, Robert, Chief Justice and
 Councillor South Carolina,
 memorial from, 143 i.
 township surveyed by,
 283.
 Wroe, Thomas, Justice of the Peace
 Canso, Commission of, 496 iii.
 document signed by,
 496 i.

Y

Yeamans, John, Agent for the Leeward
 Islands and Councillor for Anti-
 gua, letter from, 31, 31 i.
 petition of, 39.
 resignation as Councillor,
 213.
 Yonge, Fra., late Surveyor General,
 and Councillor, South Carolina,
 townships surveyed by, 283.
 Will, letter from, 297.
 Yorke, P., H.M. Attorney General,
 letter from, 348.
 letter to, 9, 169, 275,
 289, 311.
 opinion by, 188, 340,
 367 i, 387, 392.
 South Carolina quit rent
 referred to, 431 p. 241.

INDEX OF PLACES AND THINGS.

A

Accadie. *See under Nova Scotia.*

Act of Parliament, *for the better securing and encouraging the trade of H.M. Sugar Colonies in America*, (1731), clauses in, objections to, 80 xi.

....., copy of, 80 xiv.

....., reply to objections, 80 xv.

....., *for encouraging the Greenland fishery etc.*, application to Newfoundland, opinion requested, 424.

....., Mr. Fane's opinion upon, 438.

....., preamble to, 400.

....., *for encouraging the growth of Coffee in H.M. Plantations in America*, copies required, 456.

....., *for encouragement of hemp for H.M. Navy*, 23.

....., *for the encouragement of the Newfoundland fishery*, 148.

....., opinion upon, requested, 400.

....., powers of Fishing Admirals under, 74, 162 i, 163 i, 206 i.

....., *for encouraging the trade to Newfoundland*, instructions concerning, 228.

....., *for establishing an agreement with Seven of ye Lords Proprietors of Carolina, for ye surrender of their title and interest in that Province to H.M.*, effect of, 289.

....., concerning importation of convicts, 134.

....., *for importing from H.M. Plantations in America directly into Ireland goods not enumerated in any Act of Parliament*, copies required, 456.

Act of Parliament—*cont.*

....., *for the more easy recovery of debts in H.M. Plantations and Colonies in America*, 471 i.

....., copies of, required, 456.

....., *for the preservation of H.M. Woods in America*, infringements of, 129 pp. 84, 85.

....., new, proposed, 359 p. 200.

....., *to prevent the exportation of hatts out of any of H.M. Colonies or Plantations in America, etc.*, copies required, 456.

....., *to prevent laws in the Plantations affecting British Trade and Navigation*, objection to, from Council of Virginia, 24.

....., petition for, 24.

....., affecting Sugar Colonies, objection to, 24 pp. 16, 17.

Acts of Trade and Navigation. *See under Trade and Navigation.*

Admiralty, Courts in the Plantations. *See under separate Colonies.*

....., High Court of, case with appeal from Boston sent to, 15, 33.

....., Lords Commissioners of, case of Judge Byfield, Colonel Dunbar's charges laid before, 387.

....., representation concerning, 388.

....., instructions from, 331.

....., letter to, enclosing new cedula, 96.

Africa, negroes from, 87 p. 53.

....., for South Carolina, 437.

....., brought by South Sea Company, 328 p. 187.

Agnes & Mary, brigantine, 82.

Amelia, ship, 416.

Ann, ship, Charter party of, 440.

....., settlers for Georgia sail in, 440.

ANTIGUA; *and see Leeward Islands.*

....., Act to enable *Henry Lyons etc.*, confirmation of, 158, 396.

....., Act to enable *Robert Oliver etc.*, confirmation of, 157, 225.

Antigua—*cont.*

- Act concerning the payment out of the publick Treasury for slaves executed and to be executed for treason, murder, and felonies, referred, 385.
- Act relating to Court of Chancery, (1728) repealed, 40.
- new, recommended, 40.
- Act for repealing so much of an Act of 1715 for constituting a Court of Chancery and any other law now in force etc., referred, 423.
- Act for raising a tax for paying the public debts etc., referred, 385.
- Assembly, in favour of Sugar Monopoly, 80 xxiv.
- Council of, minutes of, 48 viii.
- number of, 173.
- vacancies in, 179.
- Council and Assembly, instructions concerning Court of Chancery in, 40.
- Councillors. *See* Duer, John ; Morris, John ; Byam, William ; Yeamans, John.
- Court, Chancery, to be held at, order for, 39, 40.
- provision for President of, 40.
- Governor, Council and Assembly of, representation from, 83.
- Lieut.-Governor, Council and Assembly, representation from, 80 xxiii.
- representation on trade between Northern Colonies and French Sugar Colonies, reply to, 80 v.
- sugar, rum, molasses exported to Northern Colonies from, account of, 98 ii.
- Arrowsick, Island, 129 p. 83.
- Assiento Company, Contract in Jamaica, 245 i p. 130.
- complaint concerning, 254 i.
- observations upon, 328.
- negroes from Jamaica for, 285.
- Azores, the, trade of, 31 i p. 23.
- with Newfoundland, 404 i p. 225.

B

- BAHAMA ISLANDS, account of, 512.
- Act for lerying divers sums of money for defraying the public charges, to lie by, 87 p. 56.
- Charter of (1670), 113.
- Council of, President. *See* Thompson, Richd.
- Council and President of, letter from, 310.
- Councillors. *See* Thompson, Richd. ; Spatchers, William ; Howell, J. ; Spencer, Thos. ; Thompson, Richard, Junior ; Lorey, Thos. ; Pindar, William.
- defence of, 128.
- description of, 512.
- fortifications of, 128.
- Governor of. *See* Rogers, Woodes ; Phenney, George.
- instructions, additional, for, 205.
- importance of, to British navigation, 128.
- Independent Co. from Bermuda at, return of, 375.
- inhabitants of, from Bermuda, 512.
- lease of, to Governor Woodes Rogers, 114.
- lessees of, evidence of, 182.
- expenses incurred by, 128.
- payments to older lessees, 128.
- surrender to the Crown, 128.
- Lords Proprietors of, 128.
- lease of islands to Governor Woodes Rogers by, 114.
- surrender to the Crown, 257.
- pirates, danger from, 128.
- proposal to transport negroes from Jamaica to, 7 i.
- Providence, Independent Company, Captain of. *See* Rogers, Woodes ; Fitzwilliam, Richard.
- settlement on, 512.
- purchase by the Crown, 128.
- advantages of, 512.
- quit rents in, 128, 137.
- account of, required, 128, 137, 182.
- report upon, 137, 182.
- sale of to the Crown, Mr. Shelton's services in, 278.
- seal, old, defaced, 343.
- returned, 312.
- Secretary of. *See* Shelton.
- shipbuilding, 87 p. 61.

- BARBADOS : *and see* Sta. Lucia, St. Vincent, Dominico.
 Act for erecting magazines and building a town hall (1726), 78 i.
 Act, Excise, copy of, 174.
 renewal of urged, 517.
 Act granting the 1½ p.c. etc. (1663) breviate of, 80 xii.
 Act laying a duty on foreign sugars, molasses and rum imported etc., copy of, laid before House of Lords, 164 i.
 required, 89 i.
 order in Council confirming, 89 i.
 Act laying a duty on negroes, 78 i.
 Act for laying a duty on wine etc. imported, transmitted, 349.
 Act for laying an imposition on wines (1730) (1731), referred, 386.
 Act for limitation of actions and avoiding suits and securing peaceable possession of estates etc., transmitted, 349.
 Act concerning payment of debts (1724), repeal of, 78 i.
 Act concerning possession of inhabitants, 78 i.
 Act for preventing of excessive canning (1730), referred, 386.
 Act for the punishment of runaway slaves and of slaves who shall harbour them, copy of, 174.
 referred, 386.
 transmitted, 349.
 Act settling an additional salary on Governor, petition concerning, 78 i.
 Act for supporting the honour and dignity of the Government, Governor Worsley's petition for arrears due upon it, 177.
 recovery of arrears under, 261 i.
 referred, 214.
 Agent of. *See* Leheup, Peter.
 Assembly of, 291.
 address from, 237.
 clerk of, failure to render papers, 349.
 complaint against, 420.
 factions in, 174.
 in favour of Sugar monopoly, 80 xxiv.
 Governor's salary, additional, representation upon, 471 i.
 instructions concerning Governor's additional salary, 481 i.
 Barbados, Assembly of = *cont.*
 message from, 517.
 minutes of, 174, 473.
 question of Secretary's accounts and fees, 237.
 recommendation concerning, 237.
 representation from, 80 xxii, 83.
 Speaker of, chosen by, explanation of, 517.
 Attorney General, instructions concerning arrears of duty, 392.
 powers of, 261 i.
 Council, Deputy Clerk of. *See* Webster, Wm.
 difficulty in getting a quorum, 88.
 minutes of, 58, 174, 291, 349.
 President of. *See* Barwick, Samuel ; Cox.
 vacancies in, 69.
 Council and Assembly, Governor Worsley's speech to, 237.
 reply to, 237.
 Councillors of. *See* Ashley, John ; Haggatt, Othniel ; Hall, Hugh ; Davers, Thomas, Captain ; Colleton, J. ; Davers, J. ; Applethwaite, Thomas ; Salter, Timothy ; Maycock, Thomas ; Leslie, William ; Peers, Henry, Junior.
 absentee, 88.
 Court, Chancery, proceedings of, 349, 350.
 Court of Common Pleas, Clerk of, failure to render papers, 349.
 list of causes, 174.
 duties in, arrears of payment, order concerning, 392.
 evacuation of Sta. Lucia, St. Vincent and Dominico, orders concerning, 25.
 provision for, 291.
 exports, value of, 31 i p. 22.
 forts and fortifications of, repair of, instructions for, 303.
 copy required, 256 i.
 urged, 349.
 ruinous state of, 349, 420.
 4½ p.c. duty, 98.
 Governor of. *See* Worsley, Henry ; Chetwynd, Walter ; Howe, Lord ; Granville, Sir B. ; Lowther, Irwin, Lord ; Belhaven, Lord.
 circular letter to, concerning Georgia, 444.

Barbados, Governor of—*cont.*

....., equipage money for, 280.
 instructions for, 303,
 303 i. ii.
 additional, 205.
 96th, 164 i.
 message to, 517.
 salary, additional, in-
 structions for, draft of, 479, 480.
 liquors imported, duty on,
 174 i.
 merchants, planters, etc.,
 complaint by, 480.
 miserable condition of, 420.
 naval officer. Deputy
 appointed, 349.
 lists of, 58.
 not sent in, 473.
 negroes, duty on, revenue
 from, 78 i.
 imported, duty on, 174 i.
 prerogatives of the Crown,
 infringement of, 517.
 President and Council of,
 petition from, 474.
 revenue of, 78 i.
 in arrears, method of
 recovery, 78 i. 214.
 representations from, con-
 cerning trade between Northern
 Colonies and French Sugar
 Colonies, 65, 80, 80 v. vii.
 St. Anne's Castle, 78 i. 421 i.
 magazine in, 473 i.
 St. Michael's parish, new
 Coroner for, 349.
 town in, 78 i.
 seal, old, defaced, 343.
 returned, 312.
 Secretary of, 349; *and see*
 Whitworth; Micklethwaite.
 Deputy. *See* Webster,
 William.
 ships and goods, duty on,
 instructions concerning, 421.
 *Some short observations on and*
 reasons in answer to the three
 Representations from the Assem-
 blies of Barbados, Antigua and
 St. Christophers, reply to, 31 i.
 storekeeper. *See* Durousseau,
 Samuel.
 stores of war, account of,
 421 i. 473, 473 i.
 decayed, 420, 421 i.
 sugar, rum, molasses exported
 to Northern Colonies from,
 account of, 98, 98 ii.
 Sugar Trade, monopoly, 24
 p. 16.
 representation concern-
 ing, 474.

Barbados—*cont.*

..... taxes in, evasion of, 78 i.
 method of recovery, 78 i.
 trade of, 87 pp. 61, 62.
 effect of French and
 Dutch on, 72 p. 40.
 illegal, 24 p. 17.
 with Martinique,
 410.
 Treasurer of, accounts of, 174,
 174 i. 473, 473 ii; *and see*
 Hothersall, Byrch.
 transmitted, 347,
 420.
 arrears of duty to be paid
 to, order for, 392.
 Barnstaple, trade with Newfoundland,
 148, 404 i p. 225.
 Bellfontaine, trade at, 259 xi.
 BERMUDA, *Act to supply the deficiency*
 of the several funds in these
 islands, for finishing the forti-
 fications and for defraying the
 other charges of this Government,
 disallowance of, 87 p. 56.
 urged, 71.
 repeal of, 168.
 Assembly, attitude towards
 whale licences and Governor's
 salary, 458.
 Governor's additional
 salary in arrears, 242.
 Court, Admiralty, case of
 Rebecca sloop, 130, 130 i.
 felons imported, instructions
 concerning, 242.
 Governor of, instructions,
 additional, for, 205.
 Independent Co. at Bahamas,
 return of, 375.
 inhabitants of, increase of, 512.
 settle in the Bahamas,
 512.
 Lieutenant Governor of. *See*
 Pitt, John.
 negroes, duties on, instructions
 concerning, 242.
 seal, old, defaced, 343.
 returned, 312.
 ship of war for, need of,
 representation concerning, 375.
 shipbuilding, 87 p. 61.
 trade of, 24 p. 17.
 with Virginia, 406 p. 230.
 whale licences, additional
 salary for Governor in lieu of,
 375.
 whale licences, instructions
 concerning, 242.
 Lieutenant Governor's
 salary affected by, 458; *and*
 see Pitt, John.

- Bideford, trade with Newfoundland, 148, 404 i p. 225.
- Boston, article on hat making published in, 359 p. 202.
- Court of Assize, clerk of. *See* Rolfe, Benjamin.
- Court of Common Pleas, Clerk of. *See* Ballantyne, John.
- Judge Byfield's case heard in, 99 i. ii, v. xii.
- Commission appoint special judges for, 99 vii, viii, ix (*b*).
- judges' refusal, 99 ix (*a*).
- Court, General, at, petitions against Col. Dunbar heard in, 85.
- Vice-Admiralty, case and appeal tried in, sent home, 33.
- copies required, 15.
- Judge of, proceedings of, Col. Dunbar's complaint of, 387.
- proceedings in, charges concerning, 238 p. 122.
- Grand Jury, foreman of. *See* Buttolph, Nicho.
- presentments by, 99 ix.
- letter from "A Lover of Government and Liberty" (i.e. J. Belcher), 508 i.
- *Lex et Libertas* anonymous letter, published in, 99 iv.
- Post Master. *See* Marshall; Shirley, W.
- ships trading to Fredericksfort, procedure of, 301.
- trade of, with French at Nova Scotia, 259 iv.
- illegal, with French, 72.
- Boston Weekly News-Letter*, copy of, 294, 294 i.
- Bristol, merchants trading with Newfoundland, memorial from, 162 i, 163 i-iv.
- petition of, 235.
- merchants, traders and masters of ships trading to Newfoundland, petition from, 144.
- Society of Merchant Adventurers of, petition from, 254 i.
- trade with Newfoundland, 148.
- Brunswick, N.H., Governor Belcher's visit to, 352.
- C**
- Cadaraclui Lake, French at, 41 vi.
- Campeachy Bay, encroachments by Spaniards in, 83 ii.
- *La Dichosa* seized in, 415.
- logwood cutting at, 83 i p. 49.
- plants for Georgia from, 416.
- shipping of, 245 i p. 130, 328 p. 188.
- seized by Spaniards, 83 ii.
- South Sea Company at, 328 p. 188.
- Spanish at, 83 p. 49.
- CANADA; *and see* France and the French; Nova Scotia.
- expedition from Massachusetts Bay against, 259 i.
- French priests in Nova Scotia, activities of, 259 viii, ix, x; *and see* Quebec, Bishop of.
- French settlements in, strength of, 37 i (xvi), (xvii).
- Governor of. *See* Beauharnois, Marquis de.
- Canada River, navigation of, report upon, 142.
- Canso, a boundary of Nova Scotia, 37 i (ii).
- disputed by French, 37 i (ii).
- Col. Philipps' regiment at, 37 i (xx), 454 p. 251, 455 p. 254.
- condition of, 249.
- convoy for, 166.
- defence of, urgent, 454 p. 251.
- fish curing, 37 i (vi), (xviii).
- complaint concerning, 87 p. 60.
- fish purchased by French and resold to Italy, 70.
- fishery of, 70, 259 iv, 454 p. 251.
- account of, 497 i.
- complaint concerning, 496 i.
- depredations by soldiers, 496 ii.
- French fishermen for, 497 i.
- Heads of Enquiry for, 180.
- reply to, 497 i.
- New England fishermen for, 497 i.
- persons employed in, 497 i (iii).
- scheme of, 439 (ii).
- West of England fishermen for, 497 i.
- French driven out of, 259 iv.

Canso—*cont.*

-, garrison at, 37 i (xix).
-, importance of, 454 p. 251.
-, inhabitants and traders, complaint by, 496.
-, inhabitants, lands granted by Governor of Nova Scotia, 497 i (i).
-, Magistrates, Colonel Philipps' Commission to, 496 i, iii; *and see* Henshaw, John; How, Edward; Wroe, Tho.; Wells, Francis; Pierce, Joshua; Kilby, Thomas.
-, complaint of obstruction by soldiers, 496 i.
-, memorial from, 496 i.
-, rum, molasses, brandy etc. from Martinique, 70.
-, shipping of, injured by French, 70.
-, soldiers at, interference in fishery of, 496 i.
-, interference with Magistrates, 496 i.
-, stores of war for, 249.
-, trade of, 259 iv.
-, with Cape Breton, 70.
-, with Gaspé, 70.
-, illegal, with French, 70.
-, Whale fishery, 496 i.
-, scheme of, 439 i.
- Cape Breton, clergy of, influence of, 259 p. 147.
-, French attempts upon Canso, 454 p. 251.
-, French at, complaint concerning, 238 p. 123.
-, men-of-war reported at, 359 p. 199.
-, settlements, strength of, 37 i (xvi), xvii).
-, Governor of. *See* Brouillan, St. Ovide de.
-, influence in Nova Scotia, 454 p. 250.
-, inhabitants, fishing at Canso, 497 i.
-, trade, with Canso fishermen, 70.
-, with Nova Scotia, 37 i (vi).
- Cape Fear, harbour at, proposal to fortify, 94, p. 68.
-, Indians at, 490 iii.
-, inhabitants, factions among, 94.
-, land at, surveys of, 95 iv.
-, settlers from South Carolina, 94 p. 70.
- Cape Fear River, a boundary for N. and S. Carolina, 490 i (b).

Cape Fear River—*cont.*

-, dispute concerning, 394 pp. 219, 220; *and see* Carolina, North; Carolina, South.
- Cape Gaspy, French at, 259 iv.
-, French fishery at, 454 p. 252, 455 p. 254.
- Cape Rozlers, a boundary of Nova Scotia, 37 i (ii).
- Cape Sable, French missionaries at, 259 ix.
- CAROLINA, Acts passed by Governors appointed by Lords Proprietors, validity of, opinion upon, 348.
-, agents of. *See* Boone and Barnwell.
-, fur trade, 87 p. 59.
-, Lords Proprietors of, 278.
-, Acts passed by Governors appointed by, validity of, opinion upon, 348.
-, surrender to the Crown, 257.
-, manufactures and trade of, 87 p. 59.
-, purchase of, by the Crown, 348.
-, Secretary of. *See* Shelton.
-, Surveyor of lands in North and South Carolina. *See* St. John, James.
-, trade of, 31 i p. 22.
-, with Jamaica, 328 p. 188.
- CAROLINA NORTH, Act for ascertaining naval officers' fees etc., 377 p. 211.
-, Act for biennial Assemblies, 94 p. 67.
-, referred, 355 p. 197.
-, repeal of, urged, 240.
-, Act concerning attorneys from foreign parts and for giving priority to country debts, 87 p. 55.
-, Act for raising a public magazine of ammunition, upon the tonnage of all vessels to this Government, 87 p. 55.
-, Acts of, of annual duration under Lords Proprietors' Constitution, 302.
-, Governor refuses to confirm, 94 p. 66.
-, passed during Proprietary Government, validity of, 289.
-, Assembly of, 459.
-, Clerk appointed by, contrary to instructions, 355 p. 197.
-, Governor Burrington's attempts to influence, 461 p. 260.
-, Governor refuses to call, 377.

Carolina North, Assembly of *cont.*

- journals of, 94 p. 66.
- opposition to Governor, 94.
- powers claimed by, 355 p. 197.
- powers of, under 1729 Act, 94 p. 68.
- refuses to pass Acts recommended by Governor, 94 p. 66.
- Speaker of. *See* Moseley.
- Attorney General. *See* Montgomery, John.
- fees of, 95 i.
- Beaufort Harbour, draft of, 450.
- bills of Credit, 94 p. 68.
- boundary of, 94 p. 68, 314 i.
- with South Carolina, 355, p. 197.
- Commission to settle, 394 p. 219.
- settlement of, 490, 490 i.
- Cape Fear. *See* Cape Fear.
- Cape Fear River, a boundary, 377 p. 210, 394 pp. 219, 220.
- Chief Justice of. *See* Smith, E. ; Smith, William ; Little, William.
- fees of, 95 i, ii.
- and Judges of, Commission of, copies required, 355 p. 197.
- coins, currency, payment of fees, 377 p. 211.
- communications with, method of, 240.
- cotton and flax, 94 p. 69.
- Council Clerk of. *See* Forster, Robert.
- Governor Burrington's attempts to influence, 461 p. 260.
- Governor's illegal action towards, 377.
- Governor's charges against, 377 p. 210.
- Governor's powers over, 355.
- Council of, Journal, 461 p. 259.
- minutes of, 94 p. 66, 95 v, 119 i.
- new members appointed by Governor, 91, 91 vi.
- complaint concerning, 91, 91 vi.
- explanation of, 94 p. 67.
- opposition to Governor, 94.

Carolina North, Council of *cont.*

- and Assembly, Acts passed after purchase by Crown, query concerning, 289.
- recommendations from Governor, 355.
- Councillors of. *See* Moseley, Edward ; Porter, Jno ; Moore, Maurice ; Ashe, John Baptiste ; Lovick, John ; Porter, E. ; Gale, Edmond ; Halton, Robert ; Jenour, Joseph ; Montgomery, John ; Smith ; Rice ; Harnett, Cornelius ; Little, William.
- support for Mr. Porter, 355.
- Court, Chancery, holding of, 91 (vi), (vii).
- Exchequer, composition of, 94 p. 67.
- lack of officers for, 94 p. 67.
- General, case of *Ashe v. Burrington*, judgment of, 461 vii, viii.
- of Oyer and Terminer, 94 p. 68.
- difficulty in holding, 355 p. 197.
- Vice Admiralty, case of Mr. Porter, 119.
- Judge of. *See* Porter, E.
- Courts, Governor Burrington's interference with proceedings in, 377 p. 210.
- Custom House for, advantages of, 94 p. 68.
- Deputy Inspector and Controller General of. *See* Montgomery, John.
- Edenton, seat of Government, 94.
- fees taken in, account of, 94 p. 68.
- fortifications, lack of, 94 p. 68.
- Government of, disorderly under Lords Proprietors, 459.
- lack of suitable persons for, 94 p. 67.
- Governor of. *See* Burrington, George ; Cole ; Everard, Sir Richard ; Johnston, Gabriel.
- circular letter to, concerning Georgia, 444.
- instructions, additional, for, 205.
- passing of acts by, after purchase by the Crown, query concerning, 289.

Carolina North—*cont.*

..... "Grand Deed" of 1668,
 quoted, 355 p. 197.
 Indians, apprehensions of
 risings, 487, 490.
 , attack from South
 Carolina Indians feared, 270,
 271, 271 i.
 , means to prevent,
 270, 271, 273, 274.
 , friendly, 436.
 , fighting with South
 Carolina Indians, 436.
 , Tuscaroras, conference
 with, 94 p. 68.
 , Mr. Watis' mission to,
 490, 490 ii, iii.
 , inhabitants, character of, 94
 p. 70.
 , iron in, 94 p. 69.
 , lands in, deeds of, register,
 Act for, 94 p. 67.
 , grants of, alteration in
 method, 94 p. 69.
 , charges concerning,
 94 p. 67.
 , by Governor
 Burrington, 377 p. 211.
 , list of warrants required,
 355 p. 197.
 , low cost of, 94 p. 69.
 , by Wacamaw River,
 claim to, 394 p. 219.
 , warrants for, charges
 against Gov. Burrington con-
 cerning, 461 p. 260, 461 i, iii.
 , Lords Proprietors of, Constitu-
 tion and Instructions of (1725),
 duration of acts under, 302.
 , powers of, 289.
 , map of, prepared for Governor
 Burrington, 450.
 , marriage licences, fees for,
 377 p. 211.
 , militia, 94 p. 68, 436.
 , negroes, seized by Governor,
 377 p. 210.
 , from Virginia, 308 p. 173.
 , new settlers, in character of,
 240.
 , Oacock Harbour, draft of, 450.
 , officers' fees, paid in Province
 bills at par, effect of, 459.
 , plantations taken over from
 Virginia, registration for, 355
 p. 197.
 , Port Beaufort, fort for, 94 p.
 68.
 , potash, 94 p. 69.
 , powder duty, 87 p. 55.
 , and public levies, 94 p.
 69.

Carolina North—*cont.*

..... , precincts, division of, *etc.*, 461
 p. 260.
 , reasons against,
 461 ii.
 , H.M. Prerogative, infringe-
 ment of, 355 p. 197.
 , Proclamation money, 355 p.
 197.
 , produce of, 94 p. 69.
 , purchased by the Crown, 87
 p. 55, 94 p. 66, 289.
 , quit rents in, 94 pp. 66, 67.
 , to be paid in Proclama-
 tion money, 355 p. 197.
 , payment of, 91.
 , value of, 95 iii, iv.
 , Receiver General, accounts of,
 94 p. 67; *and see* Little,
 William.
 , revenue of, difficulty in con-
 trolling, 94 p. 68.
 , saw mills in, 436.
 , seal, old, 312.
 , Secretary of. *See* Rice,
 Nathaniel.
 , office of, caveat entered
 at, 461 iii.
 , fees of, 95 iii, iv.
 , shipping, encouragement of,
 94 p. 68.
 , silk, 94 p. 69.
 , soil of, 94 p. 69.
 , state of, representation upon,
 119.
 , Surveyor of. *See* Moseley, E.
 , surveys of, returns of, 94 p. 69.
 , trade of, 94 pp. 68, 69.
 , increase of, 436.
 , Treasurer of, Assembly claims
 to appoint, 355 p. 197.
 , request for, 94 p. 68.
 CAROLINA SOUTH, Act *for the amend-*
ment of the law etc., confirmed,
 318.
 , revival of, 124.
 , Act, appropriation, referred,
 283.
 , Act *to ascertain the prices of*
and forms of conveyances, etc.,
 repeal of, conditional, 431 p.
 241.
 , Act *for the better settling of*
the Courts of Justice, (Capias
 Act: Summons Act), Assem-
 bly's attitude towards, 394 p.
 219.
 , charges against Governor
 Johnson, papers dealing with,
 393, 393 i.
 , clause in, petition
 against, 395.

- Carolina South, Act for the better settling of the Courts of Justice *cont.*
 disallowance urged, 124.
 Governor Johnson's instructions concerning, 393.
 memorial concerning, 17.
 objection to, 17, 124.
 repeal of, 317.
 dispute concerning, 393, 394 p. 218.
 Act for carrying on several expeditions against the Indians and other enemies, complaint against, 87 p. 55.
 Act laying duties on negroes imported, instructions concerning, 281, 283.
 Act to regulate Surveyor General's fees, reason for dropping, 283 p. 164.
 Act for the remission of arrears of quit rents and for registering of patents, grants, etc., Assembly's action concerning patents for Register and Secretary under, 446, 448 i.
 clauses in, examination of, 234.
 repeal of urged, 448 i.
 disallowed, 409.
 enquiry into effect on H.M. Revenue of, 431.
 new, to be prepared by H.M. Attorney General and Solicitor General, 431 p. 241.
 objections to, 369 (i) (ii), 394 p. 218, 431 p. 241, 475 i, 490 p. 276.
 passed by Governor, Council, and Assembly, 369 p. 205.
 referred, 283, 431 p. 241.
 repeal of, effect of, 394 p. 218.
 representation upon, 431.
 Mr. St. John's attitude towards, 475 i.
 Acts (11) of, 121.
 referred, 90.
 Acts for ascertaining fees, etc. (1685, 1694, 1698, 1721), extracts from, 475 viii.
 Acts relating to grants of lands and to remitting quit rents, copies asked for, 84.
 agent of, 239.
 Apalachee, settlement by Spaniards at, 394 p. 217.
 "Archdale's law," 394 p. 218.
- Carolina South *cont.*
 Assembly of, action concerning patents for Register and Secretary, 446, 448 i.
 Mr. Amyand accepted as Clerk, 480, 487 p. 276, 501.
 attitude towards Capias Act, 394 p. 219.
 clerk of. *See* Amyand, Isaac.
 Governor's and officers' salaries, postponement of, 283 p. 162.
 journal of, 393, 490 p. 276.
 meeting of, 490 p. 276.
 proceedings against Edward North, 475 i, vi.
 prorogued, 283.
 on account of epidemic, 394.
 resolution concerning Surveyor's fees, 475 v.
 Attorney General of. *See* Abercromby.
 baronies in, grants of, 504.
 Beaufort Town, Georgia settlers land at, 440.
 boundary of, 94 p. 68.
 boundaries with North Carolina, 355 p. 197.
 Commission to settle, 394 p. 219.
 settlement of, 490, 490 i.
 Cape Fear River, a boundary of, 394 pp. 219, 220.
 Chancery, Master in. *See* Fox, Joseph; Gregory, Theophilus.
 Charlestown, epidemic in, 394.
 newspaper, advertisement in, 394 p. 219.
 watch for, support for, 437.
 Chief Baron of the Exchequer, appointment of, 487, 490.
 Chief Justice of. *See* Wright, Robert.
 civil actions in, method of summons for, 124.
 Colleton County, lands in, 475 vii.
 cotton, 437.
 Council, Clerk of. *See* Badenhop.
 difficulty with Mr. St. John, 283 p. 163.
 McCormick reprieved by, 143.
 minutes of, 393, 393 i, 490 p. 276.
 opinion upon grants of land, 504.

Carolina South, Council—*cont.*

....., papers laid before, 393, 393 i.
 Surveyor General of Customs to be a member of, 111, 333.
 Council and Assembly, subsistence for Georgia settlers provided by, 422.
 Councillors of. *See* Yonge ; Wright ; Bull ; Waring ; Skeene.
 Court of Exchequer, Chief Baron of. *See* Smith, William.
 holding of, 466.
 permanent, proposal for, 466.
 Crown lands in, distribution of, 475 i.
 trespasses on, 466.
 debts in, recovery of, memorial concerning, 17.
 Deputy Auditor. *See* St. John.
 Deputy Surveyor of. *See* Whitaker, Benjamin.
 exports and imports from Great Britain, 437.
 frontiers of, small settlers on, hardships of, 369 p. 207.
 Georgia, Charter of, copy for Records of, 422.
 settlement of new Colony of, Charter of, 258.
 Goose Creek Faction, 94 p. 70.
 Government taken over by the Crown (1721), effect upon patents for lands, 369.
 Governor of. *See* Johnson, Robert.
 circular letter to, concerning Georgia, 444.
 to command Militia of Georgia, 258 p. 141.
 instructions, additional for, 205.
 Governor and Council, and Quit Rent Act, 475 i.
 Governor, Council and Assembly, instructions from, 490 iii.
 proceedings concerning lands and quit rents, 369, 370.
 account of, 161.
 hat making in, 437.
 hemp, encouragement for raising, 23.
 Indians, apprehensions of rising of, 480, 487.
 attack upon North Carolina Indians feared, 270, 271, 271 i.
 measures to prevent, 270, 271, 273, 274.

Carolina South, Indians—*cont.*

....., Cattawbas, fighting with N. Carolina Indians, 436.
 Creek, friendly attitude of, 394 p. 217.
 danger from, 258 p. 138.
 depredations by, 490.
 measure to ensure friendly relations with Georgia, 422.
 war with, 369 p. 207.
 Indian traders, murder of, 394 p. 217.
 Landgraves and Cassiques, grants of, 504.
 patents granted to, opinion upon, 369.
 Landgraveships and baronies in, 394 p. 218.
 lands in, grants of, account of proceedings concerning, 161.
 H.M. Instructions for, 369 p. 206.
 patents for, 394 p. 218.
 observations upon, 369, 370.
 to M. Pury, 262 i.
 register for, 431 p. 241.
 reservation of quit rents to H.M., 239.
 held under patent, 475 i.
 peppercorn rent for, 369 (i).
 survey of, 283 p. 163, 394 p. 218 ; *and see* St. John, James.
 warrants for, 504.
 lands taken up, abuses in, 369 (ii).
 title to, 475 i.
 lands between Savannah and Alatomaha Rivers, province of Georgia established in, Charter for, 258 ; *and see* Georgia, (South Carolina).
 leather manufacture, 437.
 Lords Proprietors of, grants of land by, 369.
 patents issued by, 504.
 surrender to the Crown, 431.
 manufactures in, 437.
 merchants trading to, memorial from, 17, 283.
 naval officer, accounts transmitted, 283 p. 163.
 appointment of, 390.
 nomination by Governor, 408.
 patent for, 408.

Carolina South — cont.

- naval stores, 437.
- negroes, duty on, 87 p. 55.
-, from Africa, 437.
-, imported, duty on, 281, 283.
-, newspaper cutting from, 490 i.
-, new townships in, 127 i.
-, officers' fees, payment in Proclamation money, 490 p. 276.
-, pine lands in, pitch and tar from, 369 (ii).
-, Port Royal, Georgia settlers' arrival at, 422.
-, Independent Co. garrisoned at, 369 p. 207.
-, lands of, frontiers of, evasion of instructions concerning, 369 p. 206.
-, settlers leave, 369 p. 207.
-, Provost Marshall of, appointment of, dispute concerning, 394 p. 219; *and see* Bamfield.
-, purchase of, by the Crown, 431.
-, Purysburgh, 127 i. 504.
-, queries concerning laws etc. affecting Gt. Britain, reply to, 490.
-, quit rents, 127 i. 394 p. 218.
-, account of, 161.
-, arrears of, 23.
-, to be paid in hemp for the Navy, 23.
-, remission of, 431 p. 241.
-, confusion concerning, 446.
-, new act for, to be prepared by H.M. Attorney General and Solicitor General, 431 p. 241.
-, to be paid in Proclamation Money, 283, 431 p. 241.
-, papers relating to, copies of, 431 p. 241.
-, payment of, 369, 370.
-, Registrar of. *See* Hammerton, John.
-, revenue of, 234.
-, rice, 437.
-, Santee River, Indian fort at, 490 iii.
-, Savannah River, new settlement at (Georgia), 422.
-, seal, old, defaced, 343.
-, returned, 312.
-, Secretary of. *See* Bertie, Edward.

Carolina South — cont.

-, settlement of Swiss Protestants in, 127 i. ii; *and see* Pury.
 -, advantages of, 239.
 -, approved, 239.
 -, conditions of, 239.
 -, draft of, instructions for, 319.
 -, instructions concerning, 290.
 -, settlements of white inhabitants in, importance of, 239.
 -, settlers from, for Cape Fear, 94 p. 70.
 -, shipping of, 437.
 -, duty on, 407.
 -, sickness in, 487.
 -, survey of, imperfect, 369 (ii).
 -, Surveyor General of. *See* St. John, James; Yonge.
 -, fees of, charges concerning, 475, 475 i. ii.
 -, Georgia land accounts to be sent to, 258 p. 143.
 -, office of, estimate of profits of, 475 iv.
 -, warrant for land, 490 p. 276.
 -, Swiss Protestants, arrival of, 487, 504.
 -, townships set out in, 281, 283.
 -, members of Council undertake survey of, 283 p. 163.
 -, trade of, 437.
 -, Treasury, 283 p. 163.
 -, Wacamaw River, a boundary, 490, 490 i.
 -, inconvenience of, 490 p. 277.
 -, Indians at, 490 iii.
 -, land claimed by North Carolina, 394 p. 219.
- Carthagená, plants for Georgia from, 416.
- Casco Bay, 359 p. 201.
-, Falmouth, conference with Indian Chiefs at, 352, 353 i, 359.
 -, paper mills at, 465.
 -, Indians, meeting with Governor Belcher, 294.
 -, Penobscot, meeting with, 295.
- Catherine* sloop, effects of, accounts of, 48 i. iii.
- Coffee, plantations proposed in Sugar Colonies and Jamaica, 29 i.
-, small cost of raising, 29 i; *and see under* separate Colonies.

Commons, House of, Acts prohibiting sale of rum to Indians, laid before, 75, 86.
, address from, 89, 89 i, 303.
, reply to, 87.
, concerning laws etc. in Plantations affecting Great Britain, 23, 77 i, 80 p. 45, 256 i, 263.
, concerning Trade between Northern Colonies and French Sugar Colonies, 65, 80.
, representations upon, 80 i-xxv.
, Clerk of. *See* Hardinge, N.
, Committee of, evidence heard before, corrected, 80 ix, xiii (b), xxi.
, debts in the Plantations, papers called for, 68.
, order of, 100.
, papers laid before, 353 i.
, list of, 97.
, petition to, 308 p. 177, 309.
, report to, 294 i.
, representation upon Laws, manufactures and trade in Plantations required by, 65.
, reply to, 24 p. 18.
, resolution concerning Sugar Colonies and Northern Colonies, 46 i.
, State of the Plantations considered by, 359 p. 202.
 CONNECTICUT, Acts of, alterations made after printing, copies required, 402.
, referred, 154.
, Acts affecting British trade and Navigation, instructions concerning, 176 i.
, charter of, 87 p. 53.
, Governor of. *See* Talcot, Joseph.
, Governor and Company of, instructions, additional, for, 205 i.
, militia, commanded by the Governor of New York, instruction concerning, 192 i.
, produce of, 87 p. 61.
, trade of, with Sugar Colonies, 87 p. 61.
 Corlaer's Lake, French encroachments at, 41 vi.
 Cotton. *See under* separate Colonies.
 Crown Point, Corlaer's Lake, fort at, 41 vi.
 Cuba, *Woolball* captured at, 417.

Curacoa, trade with Jamaica, 328 p. 188.
 Customs, H.M. Commissioners of, 400 ; *and see* Stanley, J. ; Fairfax, B. ; Evelyn, J. ; Baylis, R.
, letter from, 135 i, ii.
, secretary of. *See* Carlesse, Charles ; Oxenford, John.
, Surveyor General in America. *See* Dunbar, David ; Phenney, George ; Fitzwilliams.

D

Dartmouth, merchants trading with Newfoundland, memorial from, 162 i, 163 i-iv.
, petition of, 74, 235.
, trade with Newfoundland, 148.
 Davis Straits, fishery in, 400.
Deal Castle, H.M.S., 415, 417, 430.
, Commander of. *See* Aubin.
 Delaware River, navigation obstructed by ice, 449.
 Dominico, evacuation of. *See* Sta Lucia.
, settlements on, by French, 72 p. 40.
Dursley, H.M.S., at St. Johns, 331, 404.
 Dutch West India Company, correspondence with Commandants of Essequibo, 513.

E

East Indies, trade of, 23.
 Essequibo, Commandants of, correspondence with Dutch West India Company, 513.
 Europe, trade with Nova Scotia, 37 i (vi).
 Eustatia, trade of, 24 p. 17.
 Exeter, fishermen at Canso from, 497 i.

F

Falmouth, *See under* New Hampshire.
 Flanders, sugar trade with, 76 ii.
 FRANCE AND THE FRENCH: *and see*
 Cape Breton; Nova Scotia;
 Canada.
 in Acadie, regulations of prop-
 erty for, 313, 326.
 at Canso, driven out of, 259 iv.
 Canso fish re-sold to Italy by,
 70.
 danger from, at Cape Gaspé,
 259 iv.
 in Nova Scotia, 323 i,
 454 pp. 251, 252.
 on Virginia frontier, 376.
 encroachments by, 454 p. 252.
 on Canso fishery, 497 i.
 on Newfoundland fishery,
 238 p. 123.
 in New York, 35, 41, 138.
 report upon, 160 i.
 in Nova Scotia, 259 p.
 147, 259 iv, v, vi, 359 p. 200.
 in Pennsylvania, 35, 41.
 fishery on Isle Royal, 497 i.
 flourishing condition of, 72
 p. 40.
 Indians, friendship with, 37 i
 (xvii).
 intrigues with, 160 i.
 in Nova Scotia,
 454, 455 p. 254, 455 ii.
 Lewisburg, (Louisburgh), forti-
 fications at, 497 i.
 missionaries, activities of,
 259 v-x.
 in Newfoundland, 404 i p.
 226.
 in Nova Scotia, 455, 455 ii.
 claim to lands in, 313,
 326.
 conduct of, 259 p. 147.
 increase of, 359 p. 200.
 intrigues of, 454, 455,
 455 ii.
 lands of, 359 p. 200.
 missionaries and priests,
 454 i, ii, 455, 455 ii, vi, vii.
 new settlements in, 359
 p. 200.
 Seigneurs' grants, 259
 xii.
 settlement on St. John's
 River, 259 p. 147.
 trade of, 259 iv.
 Sta. Lucia, St. Vincent and
 Dominico, evacuation of, agree-
 ment with Great Britain, 25.
 settlements of, in Canada,
 strength of, 37 i (xvi), (xvii).

France and the French, settlements of
cont.
 at Cape Breton, strength
 of, 37 i (xvi).
 improvement in, cause
 of, 31 i p. 23.
 increase of, 72 p. 40.
 ships built for, in New Eng-
 land, 54.
 strength of, danger from,
 72 p. 40.
 Sugar Colonies, coffee in, 29 i.
 improvements in, 83 i
 p. 49.
 trade of, 24 p. 17.
 with Northern
 Colonies, effect of, 83 i p. 49.
 representation
 upon, 65, 80, 80 i xxv.
 trade of, 31 i p. 23.
 illegal, 24 p. 17.
 at Canso, 70.
 with Ireland, 83 i p. 49,
 83 ii.
 low duties of, 83 i p. 49.
 mischievous effect of,
 72 p. 40.
 with New England, 54.
 report upon, 142.
 with Northern Colonies,
 83 ii.
 effect on British
 Sugar Colonies, 72.
 observations upon,
 80 x.
 report required, 65.
 with Virginia, 406 p. 231.
Friend and Adventure, 82.
 Fundy, Bay of, French at, danger
 from, 259 iv.
 French influence in, 454
 p. 251.
 Holt Island, proposal for
 township and settlement on,
 323 i.
 St. John's Island, settlement
 on, 359 p. 200.
 St. John's River, French
 settlement on, 259 p. 147.
 sea coal in, 37 i (ix).
 settlements and townships on,
 37 i (i).
 advantages of, 323 i.
 Fur trade. *See* Separate Colonies.

G

Gaspys, trade with Canso fishermen,
 70.

- Genoesa*, wreck of, treasure of, restored to Spain, 414.
- Georges truck house, 129 p. 83.
- Georgia (now Maine). boundary of Nova Scotia, disputed, 37 i (ii).
- GEORGIA, South Carolina, establishment of a Charitable Colony at : *and see* Oglethorpe, Percival.
-, bailiffs, Constables and tything men, Commission for, 441.
-, Charter of, 256, 398.
-, copy for South Carolina Records, 368 i, 398, 422.
-, draft of, approved, 43.
-, original, received from Mr. Oglethorpe, 258 p. 146.
-, preamble of, 258 p. 138.
-, registering of, in South Carolina, 322 i.
-, Common Council of, duties and powers of, 258 pp. 141, 142.
-, Chairman of. *See* Digby, Edward.
-, Election of, 258 p. 139.
-, instructions for journey of Dr. Houston from, 416.
-, Corporation of, duties and powers of, 258 p. 140.
-, first President of. *See* Percival.
-, Courts, 258 p. 143.
-, encouragement for settling, instructions to South Carolina, 398.
-, exports and imports, control of, 258 p. 145.
-, Indians, measures to ensure friendly relations with, 422.
-, instructions to Governor Johnson for countenance and encouragement of, 368 i, 391.
-, lands in, cultivation of, 478.
-, grants of, 258 pp. 143, 144, 478.
-, accounts of, 258 p. 143.
-, Mr. Oglethorpe's instructions concerning, 502, 503.
-, powers under, 432, 433.
-, setting out of, powers for, 433.
-, licences to pass out of, powers for granting 433.
-, logwood for, 416.
-, militia, to be commanded by Governor of Carolina South, 258 pp. 141, 145.
-, function of, 258 p. 145.
-, power to appoint Commander of, 470.
- Georgia—*cont.*
-, mulberry trees, 478, 502, 503.
-, number to be planted per acre, 502, 503.
-, negroes, licences for, 478.
-, oath of allegiance, 258 p. 143.
-, officers for, 258 pp. 142, 144.
-, plants to be collected for, 401 (a), (b).
-, cultivation of, 416.
-, list of, 416.
-, potash manufacture, 478.
-, Quakers in, 258 p. 143.
-, quit rents, 258 p. 143.
-, Savannah, Conservators of the Peace, Commission for, 442.
-, erection and constitution of Town Court in, letters patent for, 434.
-, Recorder of. *See* Christie, Thomas.
-, settlement on Savannah River, workmen for, 422.
-, settlers, arrival at Port Royal, 422.
-, rations on voyage for, 440.
-, voyage of, 440.
-, silk industry, 416, 502.
-, Trustees for establishing the Colony of. *See* Percival, Digby, Carpenter, Oglethorpe, Heathcote, Tower, More, Hucks, Holland, Sloper, Eyles, Laroche, Vernon, Belitha, Hales, Burton, Bundy, Bedford, Smith, Anderson, Coram.
-, agreement with Dr. Houston, 401 (a), (b).
-, *Ann* ship, charter party of, 440.
-, appointment of, 258.
-, Commissions by, 441, 442, 443, 445, 470.
-, duties and powers of, 258 p. 139.
-, lands granted by, 427.
-, conditions governing, 428, 502, 503.
-, rent for, 427.
-, leases granted by, conditions governing, 478.
-, letters patent by, 434.
-, letter from, extract of, 510 i.
-, list of names of, 258 p. 139.
-, petition from, 322 i.
-, powers granted by, 432, 433.
-, to Mr. Oglethorpe, 432, 433.

Georgia—*cont.*

- vines from Madeira for, 416.
- Germany, linen trade with Plantations, 23.
- sugar trade with, 76 iii.
- Gosport* H.M.S., 49.
- Gravesend, Georgia settlers sail from, 440.
- Greenland, fishery, Act to encourage, 400.
- oil and whale fins from, 23.
- Greenwich Hospital, Commissioners for collecting 6*d.* a month from seamen for, Deputy Receivers in America, instructions for, 184, 190.
- letter from, 490.
- letter to, 184.
- Guadaloupe, trade of, 24 p. 17.
- with the Plantations, 72.
- Guinea, negro trade, 285.
- with Jamaica, 328.

H

- Hat manufacture in the Plantations, 14.
- Act of Parliament concerning, 359 p. 202.
- effect on British trade, 14, 23 ;
and see under Separate Colonies.
- Hemp, raising of, 23 ; and see Navy ;
Plantations ; Separate Colonies.
- Hemp and flax, encouragement of, 23.
- Hispaniola, inhabitants, increase of, 72 p. 40.
- lands in, settlement of, 72 p. 40.
- trade of, 83 i p. 49.
- with the Plantations, 72.
- HOLLAND AND THE DUTCH : Sugar Colonies, trade of, 24 p. 17.
- sugar trade with, 76 ii.
- trade of, 31 i p. 23.
- illegal, 24 p. 17.
- with Ireland, 83 i p. 49.
- mischievous effect of, 72 p. 40.
- with New England, representation upon, 80 iv.
- with Northern Colonies, 83 ii.
- effect on British Colonies, 72.
- observations upon, 80 x.
- with Virginia, 406 p. 231.

- Honduras, Bay of, shipping of, 328 p. 188.
- shipping trade, 245 i p. 430.
- South Sea Company at, 328 p. 188.
- Spanish at, shipping seized by, 83 i p. 49.

I

- IRELAND AND THE IRISH, linen trade, 23, 87 p. 58.
- in Newfoundland, 404 i p. 224.
- Irish servants and settlers for, 148.
- passengers from Newfoundland for, 81.
- regiments from Jamaica for, 20.
- servants from, 87 p. 58.
- sugar trade with, 76 ii.
- trade of, 148.
- with Dutch, 83 i p. 49.
- evasion of duties, 83 i p. 49.
- with French, 83 i p. 49, 83 ii.
- Isle Royal, French fishery at, 497 i.
- Italy, French trade in fish from Cambr with, 70.

J

- JAMAICA, Act, additional duty, 131.
- alterations in, 20.
- governor's assent to, 92.
- representation upon, from Assembly, 245 i.
- *Act for appointing an Agent or Agents in Great Britain to sollicite the passing of laws and other the publick affairs of this Island etc.* passed, 92 ii.
- Act for ascertaining and collecting H.M. quit rents, proposed, 170 i.
- *Act for the better settling the East and North East parts of this island, etc.*, 250, 250 i.
- *Act to continue part of an act for the better suppressing the rebellious negroes etc. empowering such parishes as are omitted in the sd. Act to send parties in like manner as the parishes in the said Act mentioned, etc.* referred, 73.

Jamaica—*cont.*

- Act for continuing part of two acts for suppressing the rebellious negroes etc., 250 i.
- explanation of, 250.
- Act, Deficiency, inadequate, 170 i.
- Act to enable trustees to dispose of land etc. late the estate of Thomas Tomlin, planter, deed., 250 i.
- Act to establish etc. the title of the Honble. Edward Charlton to three parcels of land in St. Jago de la Vega, etc., referred, 73.
- Act for granting a revenue to H.M. etc., copy required, 89 i.
- Act imposing duties on negroes imported and exported, repeal of, urged, 285. See Act for raising several sums of money etc.
- Act for keeping a nightly watch in Kingston and for the prevention of damage by fire, 250 i.
- Act to oblige the several inhabitants to provide themselves with a sufficient number of white people or to pay certain sums of money in case they shall be deficient and for laying a duty upon shipping and applying the same to several uses, 87 p. 56.
- passed, 92 ii.
- Act for paying the officers and soldiers who shall engage in the country's service and go in pursuit of the rebellious slaves, passed, 92 ii.
- Act to prevent the abuses committed by entertaining, conceding or carrying off any of H.M. soldiers, any white men or women servants or slaves etc., passed, 92 ii.
- Act to prevent the landing or keeping of negroes infected with the small pox in any of the three towns of St. Catherine, Port Royal, and Kingston, 250 i.
- Act for raising of several parties to reduce the rebellious negroes in the N.E. part etc., passed, 92 ii.
- Act for raising several sums of money and applying the same to several uses, clause relating to duty on convicts, 131.
- explanation of, 335 i.
- Governor's assent to, 335 i.

- Jamaica, Act for raising several sums of money and applying the same to several uses, Governor's assent to—*cont.*
- complaint concerning, 336.
- objection to, 87 p. 56.
- passed, 92 ii.
- passed by Governor, petition against, 254 i, 305 i, 306.
- repeal of, 418.
- Act relating to convicts imported, repeal of clause in, 92.
- Act for rendering the Bath in the parish of St. Thomas more serviceable, referred, 73.
- Act for rendering the two regiments more serviceable and providing an additional subsistence for them, referred, 73.
- Act to repeal such part of an act entitled an act for raising several sums of money etc. as imposes a duty on the importation of convicts etc., passed, 92 ii.
- Act for settling the East and North parts etc., 292.
- Act for settling and planting the waste lands, 92.
- Acts affecting Trade and Navigations of Great Britain, reply to queries concerning, 388.
- Acts laying duties upon Negroes, consideration of, 299.
- Acts of, list of, 92, 92 ii, 250, 250 i.
- referred, 383.
- transmitted, 131, 292, 388.
- Assembly, additional Duty bill, alterations in, 20.
- address from, 20 iv, 83 ii, 147 vi, 462 ii.
- reply to, 20 iii, 147 vii.
- adjournment of, 170.
- difficulties with, 147.
- dissolution of, 462.
- encouragement for soldiers to settle in, 18, 18 i, 19, 20, 20 ii, iv.
- Act for, 92 i, 93 ii.
- not passed by Council, 92 i, 93 iii.
- Governor's speech to, 6, 6 i, 19 ii, 170, 170 i, 171, 171 i.
- infringement on H.M. Prerogative by, 19, 19 ii.
- Journal of, 131, 250, 388.
- measures for settling and peopling proposed by, 147 vi.

Jamaica, Assembly—*cont.*

- meeting of, 146, 170, 171, 462.
- message to Governor, 251 iii.
- reply to, 251 iv.
- prorogued, 147, 327, 462.
- Speaker of, *See* Stewart, John.
- Attorney General, *See* Home, Thomas; Henderson, Alexander; Concanen, Matthew.
- barracks at, 19, 20.
- Blue Mountain Ridge, 147 iii, v.
- Brestwork, 170, 170 i.
- guard for, 250.
- reinforcements for, 170 i.
- Clarendon Parish, gentlemen of, letter from, 292, 292 i.
- negro rebellion feared at, 388 p, 214.
- party fitted out against, 292 i.
- Clerk of the Markets, *See* Peirce; Floyer, John, Junr.
- cocoa in, discouragement of, by heavy duties, 83 i p. 50, 83 ii.
- coffee growing, bounty for urged, 83 i p. 50, 83 ii.
- encouragement of, 44.
- petition in favour of, 29 i, 44.
- plantations for, soil suitable for, 29 i.
- coins, currency, scarcity of, 328 pp. 187, 188.
- convicts imported into, Act concerning, 92.
- Cotten wood (Catter wood), 292.
- negro town at, 388 p. 214.
- Council, absentees, 292.
- Act encouraging settlers not passed by, 92 i, 93 iii.
- address from, 20 ii, 83 i.
- Governor's reply to, 20 i.
- adjournment of, 19.
- Clerk of, *See* Maxwell, Jos.
- difficulty in making a quorum, 292.
- minutes of, 131, 250, 388.
- party bill rejected by, 462.
- president of, *See* Ayseough, John.

Jamaica—*cont.*

- Council and Assembly, address from, 19, 20, 83, 83 i, 92, 131, 245, 245 i, 251, 251 vi, 254 i, 299, 418.
- observations upon, 327.
- by merchants trading to, 329.
- reply to, 328.
- representation upon, 335 i, 337.
- differences between, 19.
- Governor's speech to, 7 i, 171 i, 462 i.
- Councillors, *See* Ayseough, John; Gordon, William; Henderson; Moore, Samuel; Gregory; Lawes; Stout; Dawkins, Henry; Pusey.
- Court, Supreme, case of William Rees, 286 i.
- Cumanas, Spanish packet boat wrecked on, 414.
- Custos, *See* Gordon, William.
- debts in, method of recovery, 36, 462 i.
- declining condition of, 83 ii, 131, 132.
- causes of, 83 i, 132.
- defence of, 19, 20, 170 i.
- measures for, 20 ii, iv.
- Diana's Town, 147 i.
- Distant Mountain, 147 ii.
- Engineer for, *See* Lilly, Colonel.
- exports of, value of, 31 i p. 22.
- Governor of, *See* Hunter, Robert; Portland, Duke of.
- instructions for, 325, 325 i.
- additional, 205.
- opinion on recovery of debts, 36.
- Governor and Council, letters and representations from, 96.
- Independent Companies at, 170 i, 250.
- to be completed from regiments, 6, 7 i, 18, 19, 20, 92, 96, 131, 373.
- terms of offer, 20 v.
- expedition against negroes, 20 iv, 147.
- subsistence of, 245 p. 130.
- Indians, Musketo, used against rebellious negroes, 7 i.
- inhabitants, white, decrease of, 83 i.
- Kingston, 292.
- shipping trade of, 327.

Jamaica—*cont.*

- Liguanea, party fitted out against negroes, started from, 131.
- merchants trading with, attendance requested at Board of Trade and Plantations, 300.
- complaint by, 327.
- observations on Address of Council and Assembly, 329.
- petition from, 254 i. 305 i. 306.
- protection for, 327 p. 187.
- Militia, Colonel of. *See* Gordon, William.
- Minus River, 388 p. 214.
- Molly's Town, 147 i.
- Morant, 250.
- mountains in, 147 ii.
- negroes, desertions of, 6. 19.
- duty on, 20, 87 p. 56, 92, 418; *and see* Jamaica, Act for raising several sums of money etc.
- Act concerning, effect of, 170.
- instructions concerning, 170, 171.
- meeting of Council of Trade and Plantations to consider, 299, 300.
- representation upon, 371, 373.
- encouragement of, observations upon, 327.
- exported and imported, duty on, 131.
- instructions concerning, 245, 245 i.
- observations upon, 327.
- representation upon, 245 i p. 130, 335 i. 337.
- negroes, increase of, 328 p. 188.
- rebellious, damage done by, 292.
- danger from, 20, 20 iv.
- expedition against, 20 iv, 264.
- account of, 146, 147, 147 i-vii, 292, 388 p. 204, 389.
- by Commanders of, 146, 147 i-vii.
- composition of, 131.
- cost of, 245 i p. 130.
- Jamaica, negroes, rebellions, expedition against—*cont.*
- difficulties of, 6 ii.
- failure of, 7 i.
- hardships suffered by, 147 ii.
- reinforcements and supplies for, 146, 147.
- success of, 146, 147, 170 i. 373, 462, 462 iii.
- expense of reducing, 83 ii, 254 i.
- increase of, 92.
- measures to suppress, 6 ii, iii, 7 i, 19, 20 iv.
- proposal to transport to Bahamas, 7 i.
- regiments sent against, 18 i, 19, 20 iv, 83 i.
- terms for volunteers to serve against, 20 v.
- supplied to Spain from, 327.
- trade in, 83 i p. 49, 285, 328; *and see* Assiento Company; South Sea Company.
- Negro Town, attack upon, 147 iii, iv.
- New Liguanea, 147 ii.
- North East part of, settlers in, protection for, 388 p. 214, 389.
- North River, 147 v.
- Plantain Garden River, 250.
- provisions sent to, 292.
- planters, Merchants and Traders to, petition of, 29 i, 44.
- plants for Georgia, 416.
- Port Antonio, expedition against rebellious negroes, 147.
- composition of, 131.
- hindered by weather, 250.
- success of, 170, 171.
- supplies for, 170.
- reinforcements for, 170 i.
- road making to, 292.
- surveyor for, 292.
- Port Royal, 131.
- Independent Company at, 20 v.
- shipping and trade of, 327.
- troops at, 7 i, 19, 20.
- produce of, 463.
- Provost Marshall of, 19 ii.
- Receiver General, 335 i.
- regiment (two) at, 83 i p. 49.
- sent against rebellious negroes, 6 ii, iii.

Jamaica, regiment (two) at, sent against rebellious negroes
cont.
 defeat of, 20 iv.
 disbanded, 373.
 embarkation order for, 18, 19, 20.
 encouraged to settle in, 7 i.
 encouraged to enlist in Independent Co., 6 ii, 7 i.
 officers' pay, 131.
 provisions for, 6 iii.
 from home, sale of, 251 iv, v, vi.
 recall of, 7 i, 20 ii.
 danger attending, 79.
 order for, 96.
 remainder to embark for Ireland, 92.
 settlers from, 92.
 subsistence for, Assembly's message concerning, 251 iii, iv, v.
 cost of, 83 ii.
 volunteers for Independent Companies from, 18, 19, 20, 92.
 terms of offer, 20 v.
 representation from, concerning trade between Northern Colonies and French Sugar Islands, 65, 80, 80 vi.
 revenue of, 170 i, 328 p. 188.
 method of raising, 245 i p. 130.
 Rio Grande, 147 v.
 St. Antonio, troops at, 7 i.
 St. Elizabeth's, negro raid on, 250.
 St. James Parish, rebellious negroes in, 388 p. 214.
 seal, old, 312.
 shipping, 327.
 shipping and trade, decline of, causes of, 328 p. 188.
 soldiers enlisting, encouragement for, Act for, 92 i, 93 ii.
 *Some short observations on and reasons in answer to the three Representations from the Assemblies of Barbados, Antigua and St. Christophers*, reply to, 31 i.
 Soper's Old Town, 147 v.
 South Sea Co.'s factory at, disadvantages of, 245 i p. 130.
 Spanish Town, 6 ii.
 Independent Company at, 20 v.

Jamaica *cont.*
 Spanish vessels, seizures of, complaint concerning, 114.
 stores of war for, arms and ammunition of regiments to be left behind, 19.
 request for, 19.
 sugar, duty on, 327.
 sugar, rum, ginger, 83 i p. 50.
 sugar, rum, molasses exported to Northern Colonies from, account of, 98, 98 i.
 Sugar trade, observations upon, 327.
 Titchfield, fort at, 388 p. 215.
 building of, 292.
 guard for, 250.
 inhabitants, increase of, 388 p. 215.
 trade of, 87 pp. 61, 62.
 with Carolina, 328 p. 188.
 with Curacao, 328 p. 188.
 decline of, 83 i, 463.
 with New England, 328 p. 188.
 with New York, 328 p. 188.
 with Northern Colonies, 83 i p. 49.
 with Spain, 23, 83 i p. 49, 245 i p. 130, 328.
 Treasury, lack of funds in, 250.
 white population, decrease of, 328 p. 188.
 Windward, floods in, 462.
 plantation at, negro disturbances at, 462.
 Yellow River, 147 ii.

K

Kennebeck River, a boundary of Nova Scotia, 37 i (ii).
 Governor Belcher's visit to, account of, 352.
 settlement near, 129 p. 83 ;
and see Nova Scotia.

L

La Dichosa, Spanish ship, Commander of. *See* Marchau.

La Dichosa—cont.

- seizure of, 415, 430.
- order for restitution of, 415, 417, 430.
- LEEWARD ISLANDS, THE; *and see* Antigua, Montserrat, Nevis, St. Christopher.
- Captain General of. *See* Cosby, William, Colonel.
- Commander in Chief of. *See* Smith, Michael.
- Councils and Assemblies in, instructions for maintenance of regiments in, 236.
- exports, value of, 31 i p. 22.
- forts and fortifications of, repair of, instructions for, 303.
- copies required, 256 i.
- $4\frac{1}{2}$ per cent duty in, 98.
- Government of, representation from, 47.
- Governor of. *See* Cosby, William, Colonel; Codrington, Colonel.
- instructions for, 303, 303 i, ii.
- additional, 205.
- order to, 215.
- salary of, insufficient, 480.
- Lieut. General of. *See* Mathew, William.
- merchants, planters, etc., complaint by, 480.
- officers absent from, devolution of duties, 40.
- Provost Marshall. *See* Jesup, Edward.
- queries concerning laws, manufactures and trade affecting Great Britain, reply to, 47.
- regiment in, Colonel. *See* Jones, Brigadier General.
- health of, 236 i.
- maintenance and barracks for, instructions concerning, 236.
- request for, 236 i.
- representation from, 80 vi.
- seal, old, defaced, 343.
- returned, 312.
- Secretary of. *See* Smith, Wavell.
- *Some short observations on and reasons in answer to the three Representations from the Assemblies of Barbados, Antigua and St. Christophers*, reply to, 31 i.
- sugar, rum, molasses exported to Northern Colonies from, account of, 98, 98 ii,

Leeward Islands—cont.

- trade of, 87 pp. 61, 62.
- declining, cause of, 72.
- illegal, 24 p. 17.
- Lewisburg. *See* Louisburg.
- Linen trade and manufacture, 87 p. 59; *and see under* Separate Colonies; Germany; Ireland; Plantations.
- Lords, House of, Address from, 136 i, 139 i, 164 i.
- Clerk of. *See* Cowper, Wm.
- legislation on Sugar Colonies, House of Commons Committee, evidence before, corrected, 80 ix, xiii (b), xxi.
- order of, 142.
- papers laid before, list of, 165.
- Sugar Monopoly bill rejected by, 24 p. 16, 307.
- Louisburg (Lewisburg), Cape Breton, fortifications at, 37 i (xvi), 497 i.
- French at, 359 p. 199.
- fort built by, 454 p. 252, 455 p. 254.
- Lyon*, H.M.S., 131, 146.

M

- Madeira, Dr. Houston's journey to, 416.
- trade with Virginia, 406 p. 230.
- vines for Georgia from, 416.
- wine for Virginia from, 241 iv.
- Magna Charta, 188.
- Maine, 238 p. 122.
- Augusta, fortification and settlement at, 129 p. 83.
- condition of, 129 p. 83.
- Berwick, white pines seized at, proclamation concerning, 185 i.
- settlements in, 129 p. 83.
- Manufactures of Great Britain affected by trade in the Plantations, 14, 23; *and see* Plantations; Trade and Navigation of Great Britain.
- Martinique, Governor of. *See* Champigny, Marquis de.
- order for evacuation of St. Lucia etc., 291.
- strength of, 72 p. 40.
- trade of, 24 p. 17.
- with Barbados, 410.

- Martinique, trade of *cont.*
 with Canso fishermen, 70.
 with the Plantations, 72.
- MARYLAND, Act *confirming to the Governors the duty of 3d. per tun upon the burthen of ships and cessels* (1704), 87 p. 57.
 Act *for laying an imposition on negroes and on several sorts of liquors imported and also on Irish servants* (1715), 87 p. 57.
 Act *for laying an imposition on several commodities exported etc.* (1704), 87 p. 57.
 Act *for the relief of creditors in England against bankrupts who have imported any goods into this Province not accounted for*, 87 p. 58.
 Act *for repealing such part of an act for laying an imposition on several commodities exported etc.* (1723), 87 p. 57.
 Acts affecting British Trade and Navigation, instruction concerning, 176 i.
 Acts of, collection of, 87 p. 57.
 Acts passed in, not obliged to be transmitted, 87 p. 56.
 Assemblies of, address of, 87 p. 61.
 boundaries of, 372.
 commission to settle, 314 i, 376.
 duties in, 87 p. 57.
 Governor of. *See* Calvert, Charles; Hart.
 circular letter to concerning Georgia, 444.
 instructions, additional, for, 205 i.
 Grant of (1632), to Lord Baltimore, 52.
 Irish servants, duty on, 87 p. 58.
 lands near Great Mountains, claim to, 314 i.
 Lieutenant Governor of. *See* Ogle.
 map of, with Three Lower Counties, 511.
 negroes, duties on, 87 p. 58.
 Proprietor of. *See* Calvert, Charles.
 queries as to laws, manufactures and trade affecting Great Britain, reply to, 45.
 tobacco on *Rebecca* sloop from, 130.
 trade of, 31 i p. 22.
 tobacco, 87 pp. 59, 61.
- MASSACHUSETTS BAY AND NEW HAMPSHIRE; *and see* New England.
 Act *in addition to an act directing the admission of town inhabitants*, referred, 42 i, 155.
 Act *in addition to the act encouraging the killing of wolves, etc.*, confirmed, 38.
 Act *in addition to the act for the relief of idiots*, referred, 324 ii (v).
 Act *in addition to the act for the settlement of the estates of intestates*, confirmation of, 38.
 Act (1727) *in addition to several acts for the settlement and support of ministers etc.*, referred, 9.
 Act affecting trade and Navigation*of Gr. Britain, 352.
 Act *for allowing necessary supplies to the Eastern and Western Indians and for regulating trade with them*, referred, 42 i, 155.
 Act *for apportioning and assessing a tax of £68 16s. and a tax of £20 laid on the town of Weston for not sending a representative*, referred, 5.
 Act *authorizing Commissioners to determine the western boundary of that part of this province, formerly the Colony of Plymouth and the Colony of Rhode Island adjoining*, 324 ii (vi).
 referred, 380.
 Act *for the better curing of fish*, referred, 5.
 Act *for the better regulating swine*, referred, 5.
 Act *continuing Act to prevent the oppression of debtors*, 99 i.
 Act *for dividing the town of Taunton and erecting a new town there by the name of Raynham*, confirmed, 38.
 Act *empowering Commissioners to determine the bounds with N. Hampshire etc.*, confirmation of, 38.
 Act *empowering Courts to adjourn and remove from the towns appointed etc.*, confirmed, 38.
 Act *for encouraging the killing of wild cats*, referred, 5.
 Act *for the encouragement of making paper*, 87 p. 54.
 Act *for encouraging the raising of hemp, etc.*, confirmed, 38.

Massachusetts Bay and New Hampshire—*cont.*

-, Act for erecting a county to be called the County of Worcester etc., confirmed, 38.
-, Act for explanation of and supplement to the act referring to the poor, confirmation of, 38.
-, Act in further addition to the act for the due regulation of weights and measures etc., confirmed, 38.
-, Act in further addition to an act for the relief of idiots, etc., referred, 380.
-, Act further to exempt persons commonly called Quakers from being taxed towards the support of ministers etc., referred, 324 ii (ii), 380.
-, Act for granting £3000 to Governor Belcher to enable him to go on in managing the public affairs, Governor's assent to, 499.
-, requested, 344 i.
-, transmitted, 267, 267 i.
-, Act for grant unto H.M. several rates and duties of impost and tonnage, referred, 324 ii (i), 380.
-, Act granting £5400 for the support of Government etc., referred, 42 i, 155.
-, Act for issuing bills of credit, Governor's instructions concerning, 505.
-, Act making more effectual provision for the calling of precinct or parish meetings, referred, 42 i, 155.
-, Act for making a new town in the County of Worcester by the name of Dudley, referred, 324 ii (viii), 380.
-, Act for naturalising Protestants of foreign nations etc., confirmed, 38.
-, Act for payment of members of H.M. Council and the Representatives from Oct. last, etc., confirmed, 38.
-, referred, 324 ii (iii), 380.
-, Act to prevent deceit in the gauge of cash, confirmation of, 38.
-, Act to prevent frauds in muster-rolls, confirmation of, 38.
-, Act to prevent persons concealing the smallpox, referred, 324 ii (iv), 380.

Massachusetts Bay and New Hampshire—*cont.*

-, Act to prevent unnecessary lawsuits, confirmation of, 38.
-, Act for regulating the soldiers, confirmation of, 38.
-, Act for regulating fees, clause concerning Admiralty fees contrary to Charter, 99 i.
-, Act for the relief of and to prevent the oppression of debtors, 99 iii.
- confirmed, 38.
- hardships suffered under, letter concerning, 99 iv.
-, Act to subject the unimproved lands belonging to non-resident proprietors to be sold for payment of taxes or assessments levied by order of the General Court, referred, 42 i, 155.
-, Act for supplying the Treasury with £5,400, referred, 42 i, 155.
-, Act for supplying the Treasury with £6000, confirmed, 38.
-, Act for supplying the Treasury with £3800 for the payment of Francis Wilks, Agent for the Province, referred, 324 ii (vii), 380.
-, Act concerning Support of Ministers of other denominations than the Church of England, petitions against, 9.
- Acts (4), approved, 11.
- Acts (6), approved, 193.
-, Acts (8), confirmed, 476.
- Acts, list of, 324 i.
-, transmitted, 447.
-, Acts laying a penalty on sale of strong drink to Indians, (1693, 1725, 1729, 1731), 86.
-, Agent of, 42; *and see* Wilks, Francis.
- Assembly of, 508.
-, address from, to House of Commons, 508 p. 286.
-, concerning patents from the Crown, 188.
-, reply to, 185, 188.
-, adjournment of, 295.
-, conduct of, 508 p. 286.
-, extraordinary powers assumed by, measures to prevent, 505.
-, Governor's salary, 412.
-, instructions disregarded, 267.
-, Governor's speech to, 464.
-, Journal of, 142, 447, 464.

- Massachusetts Bay and New Hampshire, Assembly of, Journal of - *cont.*
 and acts transmitted, 101.
 meeting of, 464.
 prorogued, 101.
 refusal to vote supplies, 295, 508.
 refusal to fix Governor's salary, 499.
 bills of credit, 99 i, iv.
 dispute concerning, 505, 508.
 block houses, proposal for, 455 ii (vii), 455 v.
 Boston. *See* Boston.
 boundaries with New Hampshire, Commissioners for, dispute concerning, 260.
 township on, sold by, 129 p. 86.
 Charter of, 87 p. 53, 101, 129 p. 83, 188, 294, 346.
 Admiralty jurisdiction reserved to the Crown under, 99 i.
 interpretation of, 508, 508 i.
 powers under, 508 i.
 civil and military officers of, salaries due to, 508.
 coins, currency, paper money, issue of, 412.
 heavy discount affecting fees and salaries, 99 i, iv.
 silver, value of, 99 i.
 Constitution of, nature of, 87 p. 53.
 Council of, 295.
 minutes of, 99 ix (b), 447.
 Councillors. *See* Wibird, Richard; Wibird, Richard, Junr.; Sherburne, Joseph; Husk, Ellis.
 shortage of, 464.
 Court, Admiralty, Advocate General of. *See* Auchmuty, Robert; Shirley, William.
 charges against officers of, 99.
 dispute concerning, 99, 99 i.
 Vice Admiralty, Judge of, case of, 307.
 fees of, complaint concerning, 99 i.
 jurisdiction reserved to the Crown, 99 i.
 deputy Sheriff of. *See* Darrell, John; Nichols, William.
- Massachusetts Bay and New Hampshire - *cont.*
 expedition against Canada, Sir Charles Hobby's regiment raised for, 259 i.
 felons, importation of, 188.
 frontiers, repair of forts of, 352.
 garrisons in, pay in arrears, 295.
 Government of, power over supplies, dispute concerning, 508, 508 i.
 Governor of. *See* Shute, Samuel; Belcher, Jonathan; Dudley.
 instructions for, additional, 205.
 no alteration to be made in, 505.
 peculiar position of, under the Constitution of, 87 p. 53.
 Governor and Council, petition to, 99 vii, ix (a).
 powers of, 505.
 House of Representatives, address from, 101.
 report upon, approved, 505.
 Committee of, report by, concerning Colonel Dunbar, 129 p. 82.
 journal of, 267.
 called for, 100.
 meeting with Indians at Casco, 294.
 powers of, dispute concerning, 508 p. 286.
 supply of Treasury, 307.
 votes of, 129 ii.
 Indian Chiefs, Conference with, at Falmouth, 352, 352 i, 359.
 Indians, meeting at Casco with Governor and House of Representatives, 294, 295.
 quarrel with, 294.
 lands between Kennebeck and St. Croix Rivers, claim to, allowed, 387.
 lands between Penobscot and St. Croix Rivers, claim to, upheld, 346.
 lands east of Kennebeck River, claims to, 188, 301.
 dispute concerning, 188.
 included in Charter, 188.
 lands at Pemaquid, instructions for desired, 185.
 laws etc. affecting Great Britain, queries, reply to, 465.

Massachusetts Bay and New Hampshire—*cont.*
 Lieutenant Governor of, (Mass. Bay). *See* Tailer, William ; Winthrop ; Brinley ; Phipps, Spencer ; Mascarene, Paul ; (New Hampshire) Dunbar, David ; Vaughan.
 to command in Governor's absence, 516.
 salary and perquisites of, 122.
 Phipps, Spencer, erroneously entered in text as New Hampshire (*v.* Corrigenda), 194.
 manufactures in, 87 p. 58.
 merchants of, complaint from, 496 ii.
 memorial from, 496 ii.
 mines, copper, 87 p. 60.
 naval stores in, raising of, 464, 465.
 negroes, importation of, instructions concerning, 188.
 and Nova Scotia, 294.
 Pemaquid, lands in, complaints concerning, 101.
 Pennecook, township of, sale of, 129 p. 86.
 poverty of, 508.
 proprietors of land in, petition from, 85.
 Provost Marshall. *See* Paxton, Charles.
 Quakers, act concerning, 324 ii (ii).
 Registrar of. *See* Boydell, John.
 Saco River, Governor Belcher's visit to, 352.
 queries concerning laws etc. in the Plantations affecting Great Britain, reply to, 465.
 seal, old, defaced, 343.
 returned, 312.
 Secretary of. *See* Willard, J.
 settlements in, Governor Belcher's opposition to, 129 p. 83.
 settlers in New Hampshire discouraged by, 238 p. 122.
 Treasurer and Receiver General of. *See* Allen, Jer.
 Treasury of, empty, 508.
 supply of, 101, 295, 307, 412, 464.
 woollen and linen manufactures in, 87 p. 58.
 Meremack River, settlements near, 129 p. 83.
 Mexico, Bay of, 160 i.
 Minis. *See under* Nova Scotia.

Mississippi River, 160 i.
 MONTSERRAT; *and see* Leeward Islands.
 Council of, minutes of, 48 iv.
 inhabitants of, decline of, cause of, 72 p. 40.
 sugar, rum, molasses exported to Northern Colonies from, account of, 98 ii.
 trade of, declining, 72 p. 40.
 Muscogoes Company, the, lands of, taken for Navy, 85.

N

Nancy, sloop, passengers for, 81.
 complaint concerning, 81, 81 i.
 Naval Officers. *See under* Separate Colonies.
 Naval Stores. *See under* Plantations ; *and* Separate Colonies.
 Navy, the Royal, hemp for, 23.
 Act of Parliament to encourage, 23.
 pines and white oaks for, 85.
 pine trees reserved for in Nova Scotia, 129 p. 83.
 H.M. Ships :—
 Deal Castle.
 Dursley.
 Gosport.
 Lyon.
 Romney.
 Salisbury.
 Scarborough.
 Sheerness.
 woods in Nova Scotia reserved for, 85.
 NEVIS ; *and see* Leeward Islands.
 Act for establishing the Court of King's Bench, referred, 477.
 Assembly of, minutes, 48 v.
 Speaker of. *See* Dasent, John.
 Council of, minutes of, 48 vii.
 President of. *See* Smith, Michael ; Richardson, John.
 Council and Assembly, address from, 72.
 representation on decay of sugar trade, causes of, 72, 80, 80 xxv.
 Councillors. *See* Bridgwater, Charles, Jr. ; Richardson, John ; Smith, Michael.
 inhabitants of, cause of decline of, 72 p. 40.

New- cont.

..... sugar, rum, molasses exported to Northern Colonies from, account of, 98 ii.
 trade of, decline of 72 p. 40.
 Newdigate (Newgate), convicts of, general pardon for, 187.
 New ENGLAND; *and see* New Hampshire; Massachusetts Bay.
 Act prohibiting sale of rum to Indians, 86, 142.
 Acts for preventing the sale of rum to Indians, to be transmitted, 75.
 Assembly of, 412.
 boundary with Nova Scotia, disputed, 37 i (ii).
 by boat keepers in Newfoundland, 404 i (xxx).
 Church Governments in, 85.
 coast of, fortifications on, 515 i.
 Constitution of, nature of, 87 p. 53.
 Court, Admiralty, dispute concerning, 99, 99 i.
 conduct of Mass. Bay, 99, 99 i.
 importance of supporting jurisdiction in, 338.
 Judge of. *See* Byfield, Nathaniel; Menzies, John.
 drawback allowed for goods exported, 87 p. 60.
 exports, value of, 31 i p. 22.
 fishery at Canso, 439 ii, 497 i.
 Governor of. *See* Shute, Samuel; Belcher, Jonathan.
 Governor of, Commander of Militia in Rhode Island, 192 i.
 hats, manufacture of, 54, 87 pp. 58, 60.
 Indians, articles of Peace with, 454 p. 251.
 disturbances by, 455 p. 254.
 inhabitants of, treatment of foreigners, 129 p. 83.
 iron in, 54, 87 p. 60.
 iron works, 87 p. 58.
 growth of, 406 p. 231.
 labour in, price of, 87 p. 58.
 leather manufacture in, 87 p. 58.
 manufactures in, 87 p. 58, 238 p. 123.
 growth of, 406 p. 231.
 paper for, of foreign manufacture, 87 p. 54.
 rum for Virginia from, 31 p. 22.

New England cont.

..... rum, sugar, molasses, 87 p. 60.
 settlers from, at Torrington, 85.
 shipping, 37 i (vi).
 amount of, 31 i p. 23.
 for France and Spain built in, 54, 87 p. 60.
 ships in Newfoundland, 404 i (xxx, lvi).
 seamen enticed by, 404 i (lvii, lviii).
 trade of, 87 p. 58, 259 iv.
 with foreign Plantations, complaint concerning, 80 xxiii.
 with French Islands, report upon, 142.
 with French and Dutch, representation upon, 80 iv.
 with Jamaica, 328 p. 188.
 with Newfoundland, 404 p. 225.
 with Portugal, 54.
 with Spain, 54.
 with Virginia, 406 p. 230.
 trade and manufacture of, account of, 54.
 report upon, by Colonel and Jeremiah Dunbar, 294 i.
 Treasury, supply of, 412.
 whale fishery, sloops engaged in, at Canso, 439 i.
 H.M. woods in, reserved for the Navy, undertaker for, charges against, 359 p. 201.
 woollen manufacture in, 54.
 NEWFOUNDLAND, Act (King William) relating to fishery, alteration of, 148.
 Bay of Bulls, round house for, 404.
 Bona Vista, harbour damaged, 404 i (xvi).
 prison for, 404.
 by boat keepers, 404 i (xxi).
 Canso. *See* Canso.
 Carbonier, harbour damaged, 404 i (xvi).
 Conception Bay, round house for, 404.
 convoy for, 166.
 Commodore of. *See* Beauclerc.
 heads of Enquiry for, 217.
 disorders in, 63, 162 i, 163 i.
 Ferryland, prison for, 404.
 ships at, passengers for, 81.
 fishery of, abuses in, Governor's Proclamation concerning, 148 i.

Newfoundland, fishery of—*cont.*

-, account of, 148, 404 i p. 224.
-, debts of, method of collecting, 148 i.
-, French encroachments upon, 238 p. 123.
-, malt and spirits for, 31 i p. 23.
-, merchants trading with, memorial from, 162 i, 163 i.
-, reply to Heads of Enquiry, 404 i.
-, rum and molasses for, 31 i p. 23.
-, Scheme of, 235, 404 ii.
-, fishing Admirals, 404 i pp. 222-224.
-, charges against, 148.
-, Proclamation concerning, 148 i.
-, disputes with Justices of the Peace, 74, 82, 206 i.
-, effect of, 49, 74.
-, enquiry into, 162 i, 163 i.
-, petition in favour of, 49, 72.
-, powers of, 74, 206 i.
-, return yearly to England, 74.
-, Fogo, new settlements at, 404 i p. 224.
-, French at, 404 i p. 226.
-, fur trade, 404 i p. 224.
-, Governor of. *See* Clinton, George; McCarty, Robert; Falkingham, Edward; Osborn, Henry.
-, powers of, 148.
-, harbours, survey of, 404 i p. 224.
-, Indians, 404 i p. 224.
-, inhabitants of, 404 i p. 224.
-, complaint by, 148, 148 i.
-, Irish in, 404 i p. 224.
-, Irish servants in, 404 i (xxiii).
-, Justices of the Peace, 404 i p. 226.
-, appointed by Governor Osborn, petition concerning, 74.
-, charges against, 81, 81 i, 82.
-, complaint against, 74, 162 i, 163 i.
-, petition concerning, 235.
-, disputes with Fishing Admirals, 74, 82, 206 i.
-, enquiry into, 162 i, 163 i.

Newfoundland, Justices of the Peace—*cont.*

-, good effect of, 404 i (xxvii).
-, list of, 404 iii.
-, powers of, 74.
-, Little Placentia, Irish at, 404 i (xxx).
-, merchants, traders and masters of ships trading to, petition from, 144.
-, from Dartmouth, petition of, 74.
-, from Poole, petition of, 49.
-, Placentia, Colonel Philipps' regiment at, 37 i (xx).
-, fishery of, soldiers taking part in, 331.
-, fortifications at, 37 i (xx).
-, Garrison of, Commander. *See* Falkingham.
-, muster roll of, 331 i.
-, provisions for, account of, 331 iii.
-, stores of war, account of, 331 iv, v.
-, bill of lading for, 331 ii.
-, state of, 331.
-, H.M.S. *Salisbury* at, 331.
-, prisons in, need for, 404.
-, public houses in, 404 i p. 225.
-, St. Johns, H.M.S. *Dursley* at, 331.
-, murderer sent home from, 404.
-, passengers to Ireland from, 81.
-, prison at, 404.
-, seals at, 404 i (xxxvii).
-, seal fishing, 404 i (xxxvii).
-, servants in, 404 i p. 224.
-, Tillingate, new settlements at, 404 i p. 224.
-, trade of, 404 i (xxxii).
-, with Barnstaple, 404 i p. 225.
-, with Bideford, 404 i p. 225.
-, state of, 148.
-, Treaty of Utrecht, articles relating to, 235.
-, Trepassy, round house for, 404.
-, Trinity, Fishing Admirals at, Court held by, 82.
-, harbour damaged, 404 i (xvi).
-, Justices of the Peace, charges against, 82.
-, prison for, 404.

Newfoundland—*cont.*

-, whale fins, duty on, application of Greenland Fishery Act to, 424.
- NEW HAMPSHIRE: *and see* New England; Massachusetts Bay.
-, Act *in addition to the Act for inspecting and suppressing disorders in licensed houses*, referred, 384.
-, Act *in addition to the act for regulating fees*, referred, 384.
-, Act *adjourning the Court of General Quarter Sessions*, referred, 384.
-, Act *to alter the time of the sitting of the Superior Court*, referred, 384.
-, Act *appointing Commissioners to settle the boundaries between H.M. provinces of New Hampshire and the Massachusetts Bay*, referred, 384.
-, Act *directing the method of collecting rates in Chester*, referred, 384.
-, Act *for emitting £700 paper bills*, referred, 384.
-, Act *emitting £1300 bills of credit*, referred, 384.
-, Act *for emitting £6000 in bills of credit etc.*, Governor's assent refused, 260.
-, Act *for the encouragement of iron works*, not transmitted, 87 p. 55.
-, Act *to enable the proprietors of the neck of land in Dorer called Hilton's Point to set up a gate etc.*, referred, 384.
-, Act *to exempt the people called Quakers from gathering the rates for the ministers of other persuasions*, referred, 384.
-, Act *granting unto H.M. an excise on several liquors*, referred, 384.
-, Act *for making that part of Dorer formerly called Oyster River into a township by the name of Durham*, referred, 384.
-, Act *for a new proportioning of the Province tax to each town, parish, and precinct*, referred, 384.
-, Act *for removing three of the Courts of General Quarter Sessions of the Peace etc.*, referred, 384.
-, Act *to revive the sitting of the Superior Court etc.*, referred, 384.

New Hampshire—*cont.*

-, Act *settling a salary of £200 sterling, or £600 provincial bills per annum on Governor Belcher*, referred, 384.
-, Acts of, 244.
-, Acts affecting Trade and Navigation of Great Britain, 352.
-, Acts calling in and emitting bills of credit, representation concerning, 21.
-, Acts, transmitted, 188.
-, Assembly of, action concerning Mr. Atkinson's payments as Sheriff, 244 i. ii.
-, address from, 21.
-, Clerk of. *See* Jeffry, James.
-, dissolved, 244.
-, Governor Belcher's message to, 244 iii. iv. v.
-, meeting of, 244.
-, prorogued, 260.
-, Speaker of. *See* Wiggam, Andrew.
-, speech to, 244 i.
-, bills of credit, acts concerning, 21.
-, boundaries of, settlement of, hardships of delay, 244 v.
-, boundaries with Massachusetts Bay, Commissioners to settle, dispute with, 260.
-, township on, sold, 129 p. 86.
-, Council of, message from, 260 ii.
-, minutes of, 244 ii.
-, persons proposed for, 238 p. 123.
-, President of. *See* Walton, Shadrach.
-, resident in the Province, 210.
-, representation concerning, 183.
-, approval of, 197, 198; *and see* Wentworth, Thomas.
-, Council and Assembly, complaint by, reply to, 260.
-, Governor's speech to, 260 i.
-, member sent home to represent, 85.
-, Councillors. *See* Wentworth, Benning; Peirce, Joshua; Gambling, Benjamin; Waldron, Richard; Wentworth, Thomas; Westbrook, Thomas; Dennit, Ephraim; Reynolds, Anthony; Atkinson, Theodore; Smith, Joseph.

- New Hampshire, Councillors—*cont.*
 appointment of, 412.
 recommended by Col. Dunbar, 188.
 Court, Vice-Admiralty, Judge of, charges against, 359 p. 201.
 Judge proposed for, 238 p. 122 ; *and see* Jaffery, George.
 proposal concerning, 238 p. 122.
 Customs, Collector of, salary of, 135 i ; *and see* Reynolds ; Atkinson, Theodore.
 Deputy Surveyor of. *See* Coy.
 differences between Governor Belcher and Colonel Dunbar, effect of, 238 p. 121.
 Excise, decrease of, 465.
 expeditions against Nova Scotia and Quebec, (Queen Anne), 21.
 Falmouth, Conference with Indian Chiefs at, 352, 353 i, 359.
 pine trees sold at, 359 p. 201 ; *and see* Casco.
 Fort William and Mary, Colonel Dunbar refused admission to, disapproval of, 188.
 Governor Belcher's explanation, 279.
 rebuilding and repair of, 21.
 forts in, repair of, 260, 260 ii.
 Government of, support for, 21, 244, 244 ii-v.
 Governor of. *See* Shute ; Belcher.
 absence of, dispute concerning command, 412.
 circular letter to, concerning Georgia, 444.
 instructions, additional, for, 205.
 separate from Massachusetts Bay, arguments against, 260.
 salary of, 260, 260 ii.
 House of Representatives, message to, 260 ii.
 Governor's Speech to, 260 iii.
 imports, 465.
 Indians, 279.
 war with, 21.
 inhabitants, complaint against Governor Belcher, 185, 188.
 iron works in, 465.
 Kingston, 260.
 Lieutenant Governor of. *See* Dunbar, David ; Vaughan.
- New Hampshire, Lieutenant Governor of—*cont.*
 to command in Governor's absence, 516.
 erroneously for Massachusetts Bay (*c.* Corrigenda), 194.
 to be first Councillor in the Province, order for, 108.
 manufactures in, 87 p. 58.
 Merchants of, memorial from, 496 ii.
 Newcastle, formerly called Sheepscot, 129 p. 83.
 officers in, lack of, remedied, 260.
 Piscataqua, Collector at. *See* Reynolds.
 poverty of, 21.
 powder duty, Act concerning, 352.
 queries to concerning laws, *etc.* affecting Great Britain, reply to, 465.
 Richmond Fort, 238 p. 122.
 Saco River, saw-mills on, 359 p. 201.
 saw-mills, registration of urged, 359 p. 201.
 seal, old, defaced, 343.
 returned, 312.
 Secretary of, 188.
 settlers in, discouraged by Massachusetts Bay, 238 p. 122.
 Surveyor General of. *See* Atkinson, Theodore ; Bacon, Devereux.
 trade of, 87 p. 58.
 Treasury of, supply for, 244, 244 ii-v, 260 ii, iii.
 Winter Harbour, Governor Belcher's visit to, 352.
 H.M. woods in, destruction of, 359 p. 201.
 log wood cutting, 359 p. 201.
 penalties for, evaded, 359 p. 201.
 waste of, prosecutions for, 238 p. 122.
- NEW JERSEY, Act for allowing the Quakers the like benefit of an affirmation *etc.* passed by Governor Montgomerie, 191 i.
 Act *the better enable the inhabitants to support Government etc. by making current £20,000 in bills of credit*, confirmed, 201.
 Act *imposing a duty on persons convicted of heinous crimes*, disallowance of, 134.

- New Jersey, Act imposing a duty on persons convicted of heinous crimes *cont.*
 repeal of, 167.
 Act laying a duty on commodities to neighbouring plantations, 253.
 Act *prescribing the forms of declaration of fidelity etc.*, confirmation of, 131, 202.
 Act *for the support of Government etc. by issue of £20,000 in bills of credit etc.*, confirmation of, 134.
 Assembly of, 253.
 reluctance to vote expenses for meeting, 253.
 Commander in Chief of. *See* Morris, Lewis.
 Council of, address from, 253.
 attendance of, difficulties of, 253.
 payment for, 253.
 minutes of, 253 i.
 number of, 191 i.
 persons recommended for, 253.
 President of. *See* Morris, Lewis.
 and Governor's salary, 518.
 vacancies in, 495.
 difficulty in filling, 253.
 Councillors of. *See* Provost, Wm.; Alexander, James; Smith, James; Hugg, John; Ashfield, Richard.
 Government separate from New York, arguments in favour of, and against, 253.
 Governor of. *See* Cosby, William; Montgomerie, John; Morris, Lewis; Cornbury, Lord.
 instructions, additional, for, 205.
 provision for support of, 253.
 Governor, separate for, opinions upon, 253.
 residence for, 253.
 inhabitants of, desire to control Government, 253.
 manufactures and trade in, 87 p. 59.
 militia in, difficulty in raising, 253.
 produce of chiefly sent to New York and Pennsylvania, 253.
 Proprietors of, province divided under, 253.
- New Jersey, Proprietors of. *cont.*
 surrender of Government by, 253.
 Secretary of. *See* Smith, James; Cosby, William, Junior.
 trade of, 253.
 with Sugar Colonies, 87 p. 61.
 wheat, 253.
- New York, Act prohibiting sale of rum to Indians, (1728), 86.
 Acts confirming, 86.
 Act relating to the Oswego garrison, to be laid before H.M., 200.
 Act (1728) *to repeal some parts and to continue and enforce other parts of the act therein mentioned and for granting several duties to H.M. for supporting His Government*, etc., 87 p. 55.
 Acts (9), referred, 4, 200.
 Acts for preventing the sale of rum to the Indians, 142.
 to be transmitted, 75.
 Albany, 160 i.
 Assembly, Journal of, copy of, 41 vi.
 Attorney General of. *See* Shirley, W.; Bradley, Richard.
 death of, rumoured, 339.
 Commission for Indian affairs, 381.
 letter from, 41 iv.
 minutes of proceedings of, 41 v.
 condition of, peaceful, 265.
 Council of, President of. *See* Van Dam, Rip.
 and Governor's salary, 518.
 Council and Assembly, representation from, 2 i.
 Councillors. *See* Lane, Henry; Walters, Robert; Horsmanden, Daniel; Provost, Wm.; Alexander, James; Warrell, Joseph; Dick, Wm., Captain.
 number of, 192 i.
 Court, Chancery, holding of, 494.
 instructions concerning, 51, 64.
 revival of, 51.
 suppressed by Assembly, 51.
 Crown Point, French fort built at, demolition requested, 160 i.
 exports, value of, 31 i p. 22.
 French encroachments in, 64.
 at Corlaer's Lake, 41 vi.

New York, French encroachments in
 —*cont.*
 danger from, 35, 41.
 papers concerning, 138.
 report upon, 160 i.
 at Tiederondequat, 41 vi.
 French interference with
 Oswego trade, 41 vi.
 fur trade, 87 p. 59.
 Government separate from
 New Jersey, 253.
 Governor of. *See* Burnet;
 Montgomerie; Cosby, William,
 Colonel; Hunter, General.
 circular letter to, concern-
 ing Georgia, 444.
 Commands Militia of
 Connecticut, instruction concern-
 ing, 192 i.
 expenses of New Jersey
 administration by, 253.
 instructions, additional,
 for, 205.
 hat making in, 494.
 Indians, assistance for Carolina
 Indians feared, 270, 271, 273,
 274.
 Five Nation, 381.
 French intrigues with,
 160 i.
 Independent Company at, to
 be represented in Council, 495.
 inhabitants of, loyalty of, 218.
 lands in, grant to Mr.
 Delafaye's niece and nephew,
 493.
 Lieut. Governor, salary of, in
 absence of Governor, 247.
 manufactures in, 87 pp. 59, 60,
 494.
 Naval Officer, accounts of, 472.
 negroes in, duty on, 87 p. 55.
 Oswego, French interference
 with trade of, 41 vi.
 President, Council and
 Assembly of, representation
 from, 80 iii, 83, 83 iii.
 queries concerning laws *etc.*
 affecting Great Britain, reply to,
 494.
 quit rents, in arrears, instruc-
 tions concerning, 64.
 recovery of, 51.
 examination of, 494.
 prosecutions for ascer-
 taining and recovering, in
 Chancery Court, 51, 64.
 Receiver General of, 51, 64.
 seal, old, defaced, 343.
 returned, 312.
 shipping, amount of, 31 i p. 23.
 trade of, 87 pp. 59, 61.

New York, trade of—*cont.*
 with Jamaica, 328 p. 188.
 with New Jersey, 253.
 with Sugar Colonies, 87
 p. 61.
 Northern Colonies (Massachusetts Bay,
 Rhode Island, New Jersey,
 New York, Connecticut).
 dispute with Sugar Colonies,
 46 i.
 papers relating to, 66.
 distilleries in, 31 i p. 24.
 hemp and flax, encouragement
 of, 29 i.
 manufactures of, 23.
 negroes for rice and tobacco
 plantations, 31 i p. 22.
 observations on French and
 Dutch trade, 80 x.
 rum for, 80 xxi (a).
 rum and molasses for, 31 i p.
 23.
 sugar, rum, molasses imported
 from Sugar Colonies, account
 of, 98, 98 i, ii.
 return required, 53.
 and sugar monopoly, effect of,
 28.
 trade of, 23, 24 p. 17.
 advantage to Sugar
 Colonies of, letter concerning,
 80 xxi (b).
 balance with Sugar
 Colonies and Great Britain,
 31 i p. 22.
 trade of, with Dutch, 83 ii.
 with French Sugar
 Colonies, 83 ii.
 effect of, 83 i p. 49.
 report required, 65.
 representation
 upon, 65, 80, 80 i–xxv.
 with Jamaica, 83 i p. 49.
 and manufactures of,
 conclusions concerning, 87 p.
 62.
 with Sugar Colonies, 31 i,
 474.
 case of, 80 xv–
 xviii.
 importance of, 72.
 representation
 upon, 83, 83 i–iii.
 woollen manufacture in, 23.
 NOVA SCOTIA, Acadie, regulation of
 property in, by French, 313.
 Annapolis Royal, fort at, 37 i
 (xiii).
 repair of, 37 i (xix).
 French mission at, 259
 viii.
 garrison at, 323 i.

Nova Scotia, Annapolis Royal, garrison at — *cont.*
 officers of, report from, on state of barracks, 468, 468 ii.
 Lieutenant Governor of. *See* Cosby, Major.
 Province Records at, 326.
 Arrowsick Island, families on, 85.
 Assembly, need for, 454 p. 252.
 proposal for constitution of, 454 p. 252.
 barracks, storerooms, magazines, condition of, complaint concerning, 468, 468 ii.
 report upon, 468 ii.
 survey of, ordered, 468 i.
 Beaubassin, 259 ix.
 block houses, proposal for, 455 ii (vii), 455 v.
 boundaries of, 37 i (ii).
 British manufactures in, 37 i (v).
 Canso. *See* Canso.
 Casco. *See under* Casco.
 Chignecto (Chickenechua), colliery at, 455 p. 254, 455 ii.
 destroyed by Indians, 454 p. 251.
 house and magazine destroyed by Indians, 455 p. 254.
 Chignecto River, settlement on, 323 i.
 civil and military establishment of, 37 i (xx).
 climate and situation of, 37 i (i).
 Cabaquid, church proposed for, 259 v, 259 viii.
 French at, church built by, 259 v.
 encroachments by, 259 v.
 lands in, grant of, 259 p. 148, 259 xiii.
 Cobedie, 259 x.
 constitution of, 37 i (iii).
 Council of, case of Lieut. Governor Cosby, 259 ii.
 minutes of, 455 iii.
 reduced numbers of, 259 p. 146.
 report by, 455 ii (iv).
 on laws etc. affecting Great Britain, 259 p. 147, 259 iv.
 Secretary of. *See* Shirreff, William.
 the sole civil authority, 454 p. 252.

Nova Scotia—*cont.*

..... Councillors. *See* Cosby, Alex.; Mascarene, Paul; Adams, John; Skene, William; Shirreff, William; Hamilton, Ordo.
 senior to act in absence of Governor or Lt. Governor 435.
 customs, 37 i (vii).
 defence of, 37 i (xiii), 323 i.
 expeditions from New Hampshire, (Queen Anne), 24.
 exports of, 37 i (iv).
 fishery of, French encroachments on, 359 p. 200.
 Fredericksfort, defence of, 238 p. 123.
 detachment of Col. Philipps' regiment at, 454 p. 251, 455 p. 254.
 settlement at, defence of, 294.
 ships trading with Boston, procedure of, 301.
 French in, complaint against, 259 p. 147.
 danger from, 323 i.
 difficulties with, 259 p. 147.
 encroachments by, 454 pp. 251, 252.
 increase of, 359 p. 200.
 influence of priests, 259 p. 147.
 French inhabitants of, 435, 454 pp. 250, 251.
 conduct of, 455 pp. 253, 254.
 request for priests by, 455 ii.
 intrigues of, measures to counteract, 454.
 lands claimed by, 435.
 missionaries of, 435, 455, 455 ii, vi, vii.
 activities of, 259 v-x.
 influence of, 454 p. 251.
 neighbours, 37 i (xvi).
 Fundy, Bay of. *See* Fundy.
 Georges Truck House, 294.
 Government of, devolution of, 435.
 expenses of, 37 i (xix).
 officers lacking for, 454 p. 252.
 Governor of. *See* Philipps, R.; Vetch, Colonel; Cosby; Nicholson.
 grants of land in Canso by, 497 i (i).

Nova Scotia—cont.

..... Harrington, township at, 85.
 hemp and flax seed asked for, 129 p. 85.
 Indians in, 37 i (xiv), (xv).
 Articles of Peace with, 454 p. 251.
 Commissions from French Governor for, 359 p. 200.
 danger from, 323 i.
 French intrigues with, 454 p. 251, 455 p. 254, 455 ii.
 meeting place of, 360.
 presents for, 238 p. 123, 294.
 importance of, 359 p. 200.
 trade with, 455 ii.
 sloop proposed for, 455 v.
 inhabitants of, 37 i (x).
 English, decrease of, 37 i (xi).
 French, increase of, 37 i (xi).
 oath of allegiance of little effect, 37 i (xvii).
 Justices of the Peace, French inhabitants proposed for, 435.
 Kennebeck River, 294.
 French claim to, 313.
 Governor Belcher visits, 294, 295.
 lands in, claims to, under Treaty of Utrecht, opinion upon, 435.
 French, enquiry concerning, 313.
 Colonel Hart's petition for, 357, 360.
 clauses concerning quit rents, 362.
 conditions of grant of, 362.
 to be laid out and surveyed, 500, 501.
 opinion upon, 362.
 east of Kennebeck River, trade with Mass. Bay, 301.
 grants of, abstracts of, 455 iv.
 Lieut. Governor's powers in, 435.
 table of fees for, 435.
 lands between Kennebeck and St. Croix Rivers, claim to, by Massachusetts Bay, upheld, 387.
 lands in, between Kennebeck and Sheepscot Rivers, reserved for H.M. Navy, 85

Nova Scotia, lands in, between Kennebeck and Sheepscot Rivers—cont.

..... compensation for, 85.
 lands between Penobscot and St. Croix Rivers, claim to, by Mass. Bay upheld, 346.
 lands set aside for Navy, claims to, 85.
 lands in, survey of, 323 i.
 Lieutenant Governor of, *See* Armstrong, Lawrence.
 powers to enforce acts, 454, 455.
 manufactures in, 87 p. 58.
 militia, 37 i (xii).
 Minis, barracks built for soldiers at, 259 p. 147.
 deputies of, letter from, 455 ii (vi).
 French at, 259 p. 148, 259 v.
 house to be built at, 455 p. 254.
 Indians, outrages by, 454 p. 251.
 inhabitants of, for new settlement on St. John's River 259 xi.
 King's Procurator at, *See* Bourg, Alexander.
 lands in, grant of, 259 p. 148, 259 xiii.
 magazine built at, 454 p. 251.
 missionary for, 454 i; *and see* Goudalie.
 St. Matthew Ourcobe-guay, 259 xiii.
 naval stores in, 87 p. 58.
 Newcastle, township at, 85.
 new settlements in, difficulty on account of French, 359 p. 200.
 Pemaquid. *See* Nova Scotia, Fredericksfort.
 Penobscot, Colonel Dunbar's settlement at, 359 p. 200.
 settlement of French at, 359 p. 200.
 Piziquid, 259 viii, ix.
 Placentia. *See* Newfoundland, Placentia.
 potash, encouragement of, 129 p. 85.
 produce of, 37 i (viii).
 quit rents, exemption from, for new settlements, 323 i.
 revenue of, 37 i (xviii).
 St. George's River. *See* St. George's River.

Nova Scotia—*cont.*

- St. John's River. *See* St. John's River.
-, Seigneurs of, claims of, 435.
-, creation of, 259 p. 147.
-, families of, 259 p. 148 ; *and see* D'entremont ; Latour ; Bellisle ; Brisay.
-, Sheepscot, Shepscot River, (Newcastle R.), cutting of white pines forbidden, 85.
-, and Kennebeck, proprietors of lands in, trees cut down by, 238 p. 122.
-, log house near, 129 p. 84.
-, pine trees reserved for Navy, at, 129 p. 83.
-, State of, 454 p. 250.
-, queries concerning, reply to, 37 i.
-, report upon, 455 ii (iv).
-, sent by Lieut. Governor Armstrong, 435.
-, Torrington, new settlement at, 85.
-, New Englanders in, 85.
-, Townshend, township at, 85.
-, Townships, new, in, 85.
-, proposal for, 323 i.
-, trade of, 37 i (iv), 87 p. 58.
-, with Cape Breton, 37 i (vi).
-, with Europe, 37 i (vi).
-, with Portugal, 37 i (vi).
-, with Spain, 37 i (vi).
-, Walpole, township at, 85.
-, white pines, cutting of, 129 p. 83.
-, Williamstown, colliery at, 455 p. 254.
-, H.M. woods in, reserved for H.M., 435.
-, waste of, 129 p. 85.

O

- Ocacock Island, fort at, proposed, 94 p. 68.
- Ordinance, Board of, stores of war, for Canso, 249.
-, for Placentia, bill of lading for, 331 ii.
-, for St. Christopher, 30, 30 i.
- Oswego. *See under* New York.

P

- Panama, plants for Georgia from, 446.
- Parliament, House of, papers laid before, 263 ; *and see* Lords, House of ; Commons, House of.
- Pemaquid, lands at, 185 ; *and see* Massachusetts Bay, Pemaquid, Nova Scotia, Fredericksfort.
- PENNSYLVANIA, Acts affecting British trade and navigation, instructions concerning, 176 i.
-, Acts of, not transmitted, 87 p. 56.
-, boundaries of, 372.
-, commission to settle, 314 i, 376.
-, Charter of, article in, evasion of, 87 p. 56.
-, exports, value of, 31 i p. 22.
-, French encroachments in, danger from, 35, 41.
-, Governor of. *See* Keith, Sir William.
-, circular letter to, concerning Georgia, 444.
-, instructions, additional, for, 205 i.
-, hemp, encouragement for raising, 449 i.
-, inhabitants of, German, 449 i.
-, Irish, 449 i.
-, lands near Great Mountains, claims to, 314 i ; *and see* Fairfax, Lord ; Baltimore, Lord ; Penn.
-, dispute over, Commission proposed for settlement of, 314 i.
-, Lieut. Governor of. *See* Gordon, Patrick.
-, letter to, 187.
-, linen manufacture in, 87 p. 61.
-, manufactures of, 87 p. 61, 449 i.
-, Philadelphia, Court of Admiralty, pirates tried and sentenced to death at, 187.
-, pardon for, 187.
-, Sheriff of, charges against, 209.
-, products of, 449 i.
-, queries concerning laws affecting Great Britain, reply to, 87 p. 53, 449, 449 i.
-, shipbuilding in, 87 p. 61, 449 i.
-, shipping, amount of, 31 i p. 23.
-, silk manufacture, 449 i.

Pennsylvania—*cont.*

- Sugar monopoly, reasons against, 80 xxiv.
- trade of, 87 p. 59, 449 i.
- with New Jersey, 253.
- woollen manufacture in, 87 p. 61.
- Philadelphia. *See under* Pennsylvania.
- Piscataqua River, 238 p. 122.
- Placentia. *See under* Newfoundland.
- PLANTATIONS, the, Acts affecting Trade and Navigation in Great Britain, opinion upon (Virginia), 24 : *and see* Trade and Navigation ; *and under* separate Colonies.
- Acts concerning, copies required, 456 : *and see under* Act of Parliament.
- Acts for levying money in, to be referred, 411.
- appeals to be allowed for sums of £100, 24.
- hardship entailed by, 24 p. 15.
- auditor General of. *See* Walpole.
- land accounts of Georgia to be sent to, 258 p. 143.
- Committee of Council for Plantation Affairs, order by, 479.
- report by, 480.
- Constitution of separate Governments of, 87 p. 53.
- debts in, draft of bill for recovery of, 22.
- evasion of, 22.
- laws for recovery of, petition concerning, 77 i.
- method of recovery, 24, 87.
- petition concerning, 87 p. 57.
- papers to be laid before Parliament, 136 i.
- petition concerning, 68.
- recovery of, Acts concerning, 36.
- report upon, 36.
- duties in, 23.
- effect on British trade and navigation, 22.
- instructions concerning, 196, 205.
- exports and imports, 23.
- Georgia, Carolina South, new colony of, advantages of, 258 p. 138.
- Charter of, 258.
- Trustees of, appointment and names of, 258 pp. 138, 139.
- Governments in, Charters of, 87 p. 53.

23—(1).

Plantations, Governments in—*cont.*

- immediately under Crown, 87 p. 53.
- Proprietary, 87 p. 53.
- Governors in, circular letter to, 80 p. 45, 87 p. 52, 263, 364, 411.
- form of Commission for, 159 i.
- growing tendency to render dependent on the inhabitants, 253.
- instructions for, 164 i, 184.
- additional, draft of, 176 i, 204.
- approved, 196.
- on Acts for levying money and transmission of account books, 411.
- on duties on negroes, 87 p. 55.
- on laws affecting Great Britain, 55.
- on salaries and presents, copies required, 256 i.
- presents for, prohibited, 480.
- queries on trade and manufacture, replies to, 87 pp. 58–62.
- salary, additional, for, report upon, 480.
- hemp, 31 i p. 23.
- labour and wages in, cost of, 87 p. 59.
- lands in, subject to payment of debts, objection to, 24 p. 15.
- laws, trade and manufactures affecting Great Britain, Address of House of Commons concerning, 23.
- reply to, 87.
- enquiry into, 87.
- result of, 87 p. 62.
- instructions concerning, 176 i, 196, 205.
- papers required, 80 p. 45.
- queries concerning, reply from Leeward Islands, 47.
- reply from Maryland, 45 : *and see under* separate Colonies.
- representation upon, to be laid before Parliament, 263.
- required by House of Commons, 65.
- state of required, 256 i.
- linen trade and manufacture, 23.
- Lord Baltimore instructed to visit and report upon state of, 364.

Plantations —*cont.*

- manufactures in, affect British trade, 11, 23.
- memorial from British feltmakers concerning, 14.
- merchants trading to, petition from, 136 i.
-, concerning debts, papers to be laid before House of Commons, 68.
-, report upon, 36.
-, naval stores in, 87 pp. 58, 59.
-, bounty on, 87 p. 59, 464.
-, encouragement of, 87 p. 62.
-, importance of, 87 p. 59.
-, negroes, duty on, 87 p. 55.
-, pitch and tar, 31 i p. 23.
-, powers of making laws in, nature of, 87 pp. 53, 54.
-, revenue of, accounts and books required to be transmitted, 411.
-, rum, manufacture of, 31 i p. 23.
-, sugar from, memorandum of kinds of, 80 viii.
-, and sugar monopoly bill, effect of, 24.
-, sugar trade, with Great Britain, 474; *and see* Sugar Colonies; Sugar trade.
-, imports and exports, accounts of, 80 xiii (a).
-, trade of, 14, 22, 24 p. 16.
-, Captain Coram's views upon, 23.
-, with Great Britain, account required, 1.
-, measures to increase, 23.
-, hampered by French and Dutch, address concerning, 72 p. 40.
-, illegal, 24 p. 17.
-, trade and manufactures in, queries to Governors concerning, 87 p. 58.
-, woollen trade and manufacture, 23.
- Poland, hemp from, 23.
-, potash makers of, 129 p. 85.
- Porto (Puerto) Bello, plants for Georgia from, 416.
- Port Royal, Bishop of, missionary sent to, 454 i; *and see* St. Poncey; Jamaica.
- Portugal, hats from New England, 54, 87 p. 60.
-, trade with, 31 i p. 23, 37 i (vi).
-, with New England, 54.

- Privy Council, THE, Clerk of. *See* Sharpe, William; Stanyan, Temple.
-, Lords of, Committee of, complaints heard before, 480.
-, letter to, 34, 88, 128, 156, 176, 179, 207, 237, 239, 262, 284, 334, 336, 362, 368, 371, 481.
-, minutes of, 96.
-, order by, 55-57, 59-61, 69, 127, 137, 254, 255, 322, 323, 324, 325, 411.
-, papers laid before, 207.
-, report from, 215.
-, report to, 354.
-, Lord President of, letter to, 354.
-, representation to, concerning South Carolina, 127 i.

Q

- Quebec, Bishop of. *See* Dosquet.
-, activities in Nova Scotia, 259.
-, instructions from, 259 x.
-, influence of, 259 p. 147.
-, expedition against, (Queen Anne), from New Hampshire, 21.
-, French Governor's Commissions to Indians, 359 p. 200.
-, influence in Nova Scotia, 454 p. 250.

R

- Rebecca* sloop of Boston, seizure and trial of, 130, 130 i.
- Remarks*, pamphlet, 72 p. 40.
- RHODE ISLAND AND PROVIDENCE PLANTATION, Act for emitting £60,000 in paper bills, passed without Governor's consent, 169.
-, H.M. power to repeal, opinion upon, 340.
-, transmitted, 509.
-, Act laying 6*d.* per ton on vessels trading to this colony, for supplying Fort George with powder *etc.*, copy of, 509 i.
-, transmitted, 509.

Rhode Island and Providence Plantation—*cont.*
 Acts affecting British Trade and Navigation, instructions concerning, 176 i.
 Acts of, copy required to be transmitted, 200.
 , query as to H.M. power of repealing, opinion upon, 367 i.
 Assembly, Acts passed by, validity of, 340.
 Charter of, 169, 515 i.
 , opinion upon, 340.
 constitution of, 87 p. 53.
 defence of, 515, 515 i.
 Fort George, stores of war for, Act to supply, 509 i.
 General Assembly, petition from, 515 i.
 , powers of, opinion upon, 340.
 Governor and Company of, instructions, additional, for, 205 i.
 Governor or Deputy, powers of, opinion upon, 340.
 Governor and inhabitants of, address and petition of, representation upon, 367 i.
 , petition from, 169.
 Governor of, queries from, 169.
 , queries to, reply to, 87 p. 61.
 inhabitants and merchants of, petition from, 340 ii.
 , report upon, 340.
 iron mines in, 87 p. 61.
 Militia, commanded by Governor of New England, 192 i.
 Newport, fortifications for, 515 i.
 queries concerning, report required, 275.
 seal of, use of, 340.
 stores of war for, petition for, 515.
 trade, illegal, with French, 72.
 Rice. *See* Carolina.
 Romney, H.M.S., commanded by Lord Muskery, 150.
 Royal Carolina, ship, Commission to seize pirates, 361.
 , Commander of. *See* Mead, Samuel.
 Rum, for Northern Colonies, 80 xxi (a).
 sale of to Indians, Acts in the Plantations prohibiting, 142.
 , papers laid before the House of Commons, 75, 86.
 sugar, molasses, price of, 24 p. 17.
 , return of required, 53.

Rum—*cont.*
 trade in, 24 p. 16; *and see* under Separate Colonies.
 Russia, hemp from, 23.
 potash makers, 129 p. 85.

S

St. Augustine, Governor of, negroes claimed by, 377 p. 210.
 Indians incited by Spaniards from, 394 p. 217.
 province of Apalachee settled by Spaniards from, 490 p. 276.
 St. Christopher (St. Kitts); *and see* Leeward Islands.
 Act for the general quiet of the inhabitants etc. (1718), confirmation urged, 34.
 Act for settling the estates and titles, etc. (1712), explanation of, 34.
 petitions against, 8.
 repeal recommended, 34.
 Assembly, in favour of sugar monopoly, 80 xxiv.
 Chief Justice of. *See* Browne, Jeremiah.
 Council of, minutes of, 48 vi.
 President of, order to, 215.
 President, Council and Assembly of, representation from, 80 iv.
 representation on trade between Northern Colonies and French Sugar Colonies, 80 v.
 stores of war, estimate for, 30, 30 i.
 sugar, rum, molasses exported to Northern Colonies from, account of, 98 ii.
 St. George's River, 295.
 Governor Belcher's visit to, 359.
 , account of, 352.
 St. Jago de la Vega, lands in, title to, 73.
 St. John's Island, Bay Verte, settlement on, 359 p. 200.
 French settlement on, 454 p. 252, 455 p. 254.
 St. John's River, block house on, 455 ii (vii).
 French inhabitants of, oath of allegiance to be taken by, 259 p. 147, 259 vii.
 , summons to, 259 vii.

St. John's River—*cont.*

- French settlement on, 259 p. 147, 259 iv.
- grants of land, patent for, 259 xi.
- inhabitants of, summons to, 259 vii.
- navigation of, 259 xi.
- settlement on, inhabitants from Minis for, 259 xi.
- order concerning, 435.

St. Lawrence River, 160 i.

Sta. Lucia. St. Vincent. Dominico. evacuation of, agreement upon, 25.

..... order for, 25, 291.

..... settlements on, by French, 72 p. 40.

..... trade of, 24 p. 17.

Saba, trade of, 24 p. 17.

Salisbury, H.M.S., 148 i, 166, 186, 206 ii, 216, 331, 332.

..... Captain Falkingham to command, 181.

..... First Lieutenant to assume administration of Government of Newfoundland in case of Governor's death, 228.

Samuel and Dore at Ferryland, 81.

Savannah. *See* Georgia.

Savannah River, 127 i.

..... a boundary of South Carolina, Colony of Georgia settled on, 422.

..... settlement of Swiss under M. Pury on, 239.

Scarborough, H.M.S., Governor Belcher visits Nova Scotia in, 294, 295, 359.

..... Indian Chiefs in canoes, 359 p. 200.

Sheepscot. *See* Nova Scotia, Sheepscot; N. H., Newcastle.

Shcerness, H.M.S., 166, 439.

Ships, list of:

Agnes and Mary, brigantine.

Amelia.

Ann.

Catherine, sloop.

Deal Castle, H.M.S.

Dursley, H.M.S.

Friend and Adventure.

Genoesa, Spanish.

Gosport, H.M.S.

La Dichosa, Spanish.

Lyon, H.M.S.

Nancy.

Rebecca, sloop.

Romney, H.M.S.

Royal Carolina.

Salisbury, H.M.S.

Samuel and Dore.

Scarborough, H.M.S.

Ships, list of—*cont.*

Shcerness, H.M.S.

Speedwell.

Two Brothers.

William and Susanna.

Woodball.

Silk Manufacture, 87 p. 59; *and see* separate Colonies.

South Sea Company, Agents in Jamaica, payments under negroes' acts, petition concerning, 285.

..... complaint against, reply to, 328 p. 188.

..... Court of Directors, order by, 285.

..... Governor and Directors of, attendance requested, 299.

..... at Jamaica, 254 i.

..... factory of, disadvantages of, 245 i p. 130.

..... memorial from, 285.

..... negroes supplied to Spain by, advantage to Jamaica, 328 p. 187.

..... negro trade, 328.

..... purchase of negroes by, 285, 327.

..... Secretary of. *See* Smith, W.

..... shipping and trade of, 328 p. 188.

SPAIN AND THE SPANIARDS. Apalachee Province settled by, 490 p. 276.

..... Declaration of, signed by H.M. Minister Plenipotentiary, 415.

..... depredations and encroachments by, 83 i p. 49, 83 ii.

..... in South Carolina, 394 p. 217.

..... hats from New England, 54, 87 p. 60.

..... Indians incited by, 394 p. 217.

..... Indian raid on, 490 p. 276.

..... negroes stolen from, 377 p. 210.

..... negroes supplied by South Sea Company, 328 p. 187.

..... negroes, trade in, 328.

..... pirates fitted out from Islands of, 454.

..... pirates in West Indies, ship commissioned to seize, 361.

..... privateers, 415.

..... Secretary of State of, memorial from, 414.

..... shipping seized by, 83 ii, 415, 417.

..... trade of, 31 i p. 23.

..... with Jamaica, 23, 83 i p. 49, 245 i p. 130, 328.

..... with New England, 54.

..... with Nova Scotia, 37 i (vi).

Spain and the Spaniards—*cont.*
 vessels of, seizure of, complaint concerning, 414, 415, 417, 430.
 restitution for, 415, 417, 430; *and see La Dichosa.*
Speedwell, of Boston, 404 iv.
 Sugar, exports and imports of, account of, 76, 76 i, ii.
 muscovada, charge of making and sending to Great Britain a cask of, computation of, 31 ii.
 rum, molasses, exports to Northern Colonies, account of, 98 98 i, ii.
 Sugar Colonies, British, imports to Great Britain, 474.
 account required, 1.
 coffee growing in, encouragement of, 29 i, 44.
 plantations for, encouragement of urged, 29 i.
 soil suitable for, 29 i.
 decay of, causes of, 72 p. 40.
 dispute with Northern Colonies, 46 i.
 papers relating to, 66.
 exports of sugar, rum, molasses, return of required, 53.
 French, coffee growing in, 29 i.
 letter concerning trade with Northern Colonies, 80 xxi (b).
 trade with Northern Colonies, representation upon, 80, 80 i–xxv.
 horses for, 24 p. 16.
 monopoly, effect of, 28.
 objections from Virginia, 28.
 monopoly bill, rejection of, 24 p. 16.
 representations from, laid before Parliament, 139 i.
 reply to, 80 ii, iii.
 shipping, amount of, 31 i p. 23.
 trade of, 24 p. 16, 87 pp. 61, 62.
 balance of, with Northern Colonies and Great Britain, 31 i p. 22.
 decline of, 72 p. 40.
 foreign, 24 pp. 16, 17.
 trade of, hampered by French and Dutch, 72.
 with Ireland, 474.
 with Northern Colonies, 31 i, 87 pp. 60, 61, 474.
 case of, 80 xv–xix.
 importance of, 72.
 representation upon, 83, 83 i–iii.

Sugar Trade, danger from foreign competition, 474.
 decay of, causes of, 72, 80, 80 i–xxv.
 with Flanders, 76 ii.
 with Germany, 76 ii.
 with Holland, 76 ii.
 with Ireland, 76 ii.
 importance of, 474.
 importation and re-exportation of from the Plantations, account of, 80 xiii (a).
 representation upon from Jamaica, 83 i.
 Surinam, coffee growing at, 29 i.
 trade of, increasing, 72 p. 40.

T

Teignmouth, trade with Newfoundland, 148.
 Tiederondequat, French encroachments at, 41 vi.
 Tobacco. *See* Virginia; Maryland; *and* other Colonies.
 Topsham, trade with Newfoundland, 148.
 Trade. *See under* Plantations *and under* separate Colonies.
 Trade, Board of, 354.
 appointment of Barbados Councillors, 69.
 letter from, Governor Cosby's reply to, 492.
 office expenses, 276, 397, 507.
 report by, 68.
 Trade and Navigation of Great Britain, Acts of, instructions concerning, 191 i, 192 i, 471 i.
 naval officers nominated by Governors under, 408.
 duties in the Plantations, effect of, 22.
 on negroes, effect of, 335 i.
 laws, trade and manufacture in the Plantations affecting Great Britain, in Barbados, 351.
 in Jamaica, 388.
 in Massachusetts Bay, 352.
 in New Hampshire, 352.
 complaint concerning, 176 i.
 instructions concerning, 55, 196, 205.

- Trade and Navigation of Great Britain, laws. *cont.*
 observations upon, 31 i p. 22.
 order concerning 176 i.
 petition concerning, 251 i, 305 i, 306.
 queries, reply from Barbados, 410.
 reply from South Carolina, 437, 490.
 reply from Massachusetts Bay, 465.
 reply from New Hampshire, 465.
 reply from New York, 494.
 reply from Nova Scotia, 455.
 reply from Pennsylvania, 449, 449 i.
 reply from Virginia, 406.
 report from Nova Scotia, 259 p, 147, 259 iv.
 representation to be laid before Parliament, 263.
 representation from Virginia, 24.
 state of, required, 256; *and see under* Plantations; and separate Colonies.
- TRADE AND PLANTATIONS, Commissioners of, reply to House of Commons' addresses, 87.
 Council of, clerks' fees, 140.
 dispute between Sugar Colonies and Northern Colonies, papers laid before, 66.
 entry book, 272.
 journal of, 507.
 legal adviser to. *See* Fane, Fran.
 letters, instructions, representations from, concerning:—
 Antigua, 157, 158, 179.
 Bahamas, 128, 137 i.
 referred back, 137.
 Barbados, 16, 88, 221, 221 i, 237, 261, 261 i, 303, 452, 471, 471 i, 481.
 Bermuda, 71, 375.
 Carolina, 272.
 North, 269, 271.
 South, 124, 239, 262, 273, 431.
 coffee growing, 44.
 duties in the Plantations, 196.
 report upon, 204.
 Georgia, 368.
- Trade and Plantations, Council of, letters, instructions, representations from, concerning. *cont.*
 Governors' Commissions, 159, 159 i.
 Jamaica, 334-337, 354, 371, 373, 374.
 Massachusetts Bay, 156, 185, 412, 499.
 Nevis, 451.
 Newfoundland, 162, 162 i, 163, 163 i, 206, 206 i.
 New Hampshire, 183.
 New Jersey, 67, 67 i, 134, 191, 191 i.
 New York, 2, 35, 41, 62, 62 i, 64, 160, 160 i, 192, 192 i, 274.
 Northern Colonies, 80.
 Nova Scotia, 362, 425, 435.
 office expenses and salaries, 3, 145, 282.
 petty expenses, 399.
 Pennsylvania, 207, 284.
 Plantations, 176.
 Rhode Island, 367, 367 i.
 St. Christopher, 34.
 seals in the Plantations, 312.
 Mr. Shelton's memorial, 278.
 Trade in the Plantations, 256 i.
 Virginia, 27, 314, 314 i, 358, 358 i, 376.
 letters, instructions, orders, memorials, petitions, references to, concerning:—
 Antigua, 80 xxiii.
 Barbados, 78, 80 v, vii, xxii, 89, 164, 174, 208, 214, 351, 410, 420, 473.
 Bermuda, 130, 243, 458.
 Canoe, 70, 496 i.
 Carolina, 161, 348.
 North, 91, 91 v, 94, 302, 378, 379, 450, 461.
 South, 47, 121, 127, 369, 370, 394, 437, 467, 489, 490.
 debts in the Plantations, 77, 136, 136 i.
 Jamaica, 7, 20, 29, 79, 80 vi, 83, 92, 131, 146, 245, 250, 251 ii, 285, 292, 293 ii, 305 i, 306, 325, 388, 462.
 Leeward Islands, 31 i, 47, 72, 80 vi, 80 xxv.
 Massachusetts Bay, 11, 42, 102, 123, 193, 244, 260, 268, 296, 353, 465, 476, 506.
 New England, 54, 99 i.
 Newfoundland, 49, 63, 74, 81 i, 144, 150, 186, 220, 331, 400.

Trade and Plantations, Council of, letters, instructions, orders, memorials, petitions, references to, concerning—*cont.*

New York, 13, 41 i, 51, 138, 218, 265, 381, 472, 495.

Northern Colonies, 65.

Nova Scotia, 37, 259, 360, 455, 469.

Pennsylvania, 449, 449 i.

Rhode Island, 340, 509.

St. Christopher, 80 iv.

Sugar Colonies, 46, 139.

Trade in the Plantations, 14, 23, 256.

Virginia, 24, 28, 32, 80 i, ii, 149, 195, 241, 308, 315, 342, 372, 406.

..... office of, clerks of, petition from, 140.

..... office expenses, 3, 141, 282.

..... papers prepared for Parliament on laws, manufactures and trade in Plantations affecting British trade and navigation, 80 p. 45.

..... papers prepared for Parliament on trade between Northern Colonies and French Sugar Islands, 80, 80 i xxv.

..... report by, 77 i.

..... quoted in Boston weekly newsletter, 294 i.

..... representations to, from Sugar Colonies, to be laid before Parliament, 139 i.

..... report upon, 110.

..... Secretary of. *See* Popple, Alured.

..... Solicitor and Clerk of Reports of. *See* Burrish.

Treasury, H.M. Lords Commissioners of, act of South Carolina examined by, 234.

..... letter to, 3, 145, 278, 282, 309, 399.

..... papers required by, 15.

..... opinion by, 409.

..... on South Carolina quit rents, 431 p. 241.

..... requested, 308 p. 178.

Treaty of Peace and Neutrality, 31 i p. 23.

Two Brothers, ship, Commander of. *See* Thompson, Captain.

..... Swiss emigrants request to travel by, 514.

U

Utrecht, Treaty of, 323 i. 454 p. 251.

..... 14th article of, 259 vi.

..... articles of, infringement of, 160 i.

..... relating to Newfoundland, 235.

..... lands in Nova Scotia claimed under, 435.

V

Vera Cruz, plants for Georgia from, 416.

VIRGINIA, *Act for adding part of the countys of Surry and Isle of Wight unto the County of Brunswick*, 308 (xiii).

..... *Act against importing tobacco from Carolina etc.*, repeal published, 308 i.

..... *Act altering the days for holding the Courts for Richmond and Westmorland Countys*, 308 (xv).

..... *Act for altering the place for holding Courts of Spotsylvania County*, 308 (xix).

..... *Act for amending the staple of tobacco*, effect of, 406 p. 230.

..... explanation of, 406 p. 229.

..... *Act to confirm the sale of certain intailed lands by John Douglass to John Frazer, etc.*, 195.

..... *Act confirming the title of Richard Randolph to certain intailed lands etc.*, 195.

..... *Act for continuing a duty on liquors etc.*, repeal of, 308 i.

..... *Act to continue parts of an act for establishing the fees of certain officers etc.*, explanation of, 308 (xi).

..... *Act declaring how long judgments, bonds etc.*, shall be in force etc., laid before Parliament, 136 i.

..... *Act for dividing every of the countys of Richmond, King George and Prince William into two distinct parishes*, 308 (xvii).

..... *Act to enable Henry Cary to sell certain intailed lands etc.*, 195.

Virginia—*cont.*

- Act to enable masters of ships to employ their own sloops etc. in carrying tobacco on board, 308.
- advantages of, 241.
- passed, 241, 241 iii.
- Act to enable and oblige the parish of St. George in Spotylvania to refund to the parish of St. Mark in the same county the tobacco therein mentioned, 308 (xviii).
- Act to enable Robert Carter Esq., one of the executors of Mann Page Esq. to pay the debts of the said Page etc., 308 (xxiii).
- Act to explain and amend the act for amending the staple of tobacco and for preventing frauds in H.M. Customs, explanation of, 308 (ix).
- Act for freeing Virginia owners from Castle duties, (1669), 87 p. 57.
- Act concerning foreign debts, (1663), 87 p. 57.
- Act for improving the staple of tobacco, alterations proposed, 241, 241 i.
- Act for laying a duty on liquors, explanation of, 308.
- Act for laying a duty upon slaves to be paid by the buyers, explanation of, 308 (ii).
- Act laying £5 p. ct. ad valorem duty on negroes, explanation of, 406 p. 229.
- Act laying an imposition on liquors, explanation of, 406 p. 229.
- Act for lessening the reward for killing young wolves and for preventing frauds in obtaining certificates for wolves' heads, 308 (xii).
- Act to make perpetual an act of 1727 for preventing delays in Courts of Justices etc., 308 (v).
- Act to make the stealing of slaves felony without benefit of clergy, 308 (vi).
- Act for making more effectual provision against insurrections and invasions, 308 (iii).
- Act to oblige the county of Carolina to reimburse William Woodford the damages he sustained by means of the escape of Benjamin Fletcher, 308 (xxii).
- Act prescribing the method for proving book debts, explanation of, 308 (viii).

Virginia—*cont.*

- Act to prevent frivolous and recalcitrant suits etc., 308 (iv).
- Act for preventing the sale of rum to the Indians, 142.
- Act, *Privilege of Virginia owners* (1668), 87 p. 57.
- Act prohibiting sale of rum to Indians (1705), 86.
- Act for pulling down wooden chimneys in the towns of Norfolk and Southampton, 308 (xx).
- Act for the priority of payment to the Country creditor (1664), 87 p. 57.
- Act for raising a public levy, 308 (xvi).
- Act for raising a publick revenue for the better support of the Government etc. (1680), 87 p. 57.
- Act to restrain the inhabitants of the town of Delaware, 308 (xxi).
- Act for settling some doubts etc. in relation to the benefit of clergy etc., explanation of, 308 (vii).
- Act for settling new ferries over James, Appamator, Nottoway, Rappahannock, and Potomack Rivers, 308 (xiv).
- Act, tobacco, opposition in England to, 241 ii.
- support for, 241.
- Act for resting certain lands entailed in George Turberville in fee simple etc., referred, 330.
- Act resting certain intailed lands in William Randolph etc., 195.
- Acts for preventing the sale of rum to Indians, to be transmitted, 75.
- Acts (4), referred, 26.
- transmitted, 309.
- private, approved, 195.
- transmitted, 308 p. 176.
- agent of. See Lecheup, Peter.
- Assembly of, Governor's Speech to, 241, 241 i.
- reply to, 241 ii.
- journal of, 136 i, 308, 309.
- meeting of, 241.
- proposal to alter customs duty on tobacco, 308 p. 177, 309, 309 i.
- prorogued, 308 p. 177, 308 i.
- and Tobacco Act. Northern Neck members desire repeal of, 149 p. 98.

Virginia—*cont.*

..... Attorney General of. *See* Clayton.
 boundaries of, 372.
 Commission to settle, 314 i. 376.
 College of William and Mary, support of, 308 p. 173.
 convicts in, 149 p. 98.
 convicts and felons transported to, effect of, 308 p. 178.
 cotton and flax, 406 p. 230.
 Council of, address of, 241.
 to examine Col. Spotswood's accounts of expenditure, 109.
 letter from, 24.
 minutes of, 309.
 opinion on proposed Act of Parliament concerning laws in Plantations affecting British Trade and Navigation, 24.
 President of. *See* Carter, John.
 reply to House of Commons regarding trade etc. in the Plantations, 24 p. 18.
 representation from, extract of, 80 ii.
 Surveyor General of Customs to be a member of, 111, 333.
 Council and House of Burgesses, Address and petition from, 309, 309 i.
 Councillors. *See* Carter, Robert; Blair, James; Byrd, W.; Grymes, John; Dandridge, W.; Custis, Jno.; Randolph, William; Harrison, Hen.; Digges, Cole; Robinson, Joh.; Carter, John; Bray, David; Page, Mann; Armistead, Henry; Taylor; Lee, Thomas.
 debts in, method of recovery, acts concerning, 87 p. 57.
 *A Dialogue between Thomas Sweet-Sented etc.*, by Lt. Gov. Gooch, 149 i.
 Euequehannah River, silver mine at, 376.
 Falmouth, warehouse burnt at, proclamation concerning, 308 p. 177, 308 i.
 Governor of, circular letter to concerning Georgia, 444.
 instructions, additional, for, 205.
 opinion on recovery of debts, 36.
 House of Burgesses, address of, 241.

24—(1).

Virginia, House of Burgesses—*cont.*

..... grant of Northern Neck land by, petition concerning, 308 pp. 176, 177.
 Speaker of. *See* Hollommis, Jas.
 Indians, trade with, 406 p. 230.
 iron works in, 24 p. 18, 406 p. 230.
 lands in, grant of, by James II. to Lord Fairfax, 125.
 lands beyond the Great Mountains, claims to, 314 i. 372, 376; *and see* Fairfax, Lord; Baltimore, Lord; Penn, W.
 dispute over, Commission proposed for settlement of, 314 i.
 settlements on, begun, 376.
 by Swiss, petition for, 372.
 Lieutenant Governor of. *See* Spotswood, A.; Gooch, William.
 linen manufacture, 24 p. 18.
 Madeira wine imported, account of, 241 iv.
 manufactures in, 87 p. 61, 406 p. 230.
 induced by low price of tobacco, 24 p. 18.
 merchants trading to, petition of, Council's objection to, 24.
 mines in, 315 i.
 copper, 24 p. 18, 315 i. 406 p. 230.
 silver, 315 i. 358 i. 363.
 enquiry concerning, 376; *and see* Jones, Anne.
 naval officer, returns of, 308 p. 178.
 negroes, exported to Carolina, duty upon, 308 p. 173.
 imported, account of, 24 iv.
 Northern Neck, boundary of, dispute concerning, 308 p. 177.
 disturbances in, 308 p. 177.
 lands in, grant of, 308 pp. 176, 177.
 objection to Tobacco Act, 149 p. 98.
 warehouses burnt at, 149, 241.
 Potomack, copper mines at, 315 i.
 Prince William County, copper mines at, 315 i.
 queries concerning laws etc. affecting Great Britain, reply to, 87 pp. 53, 57.

Virginia -*cont.*

..... quit rents, 362.
 paid in tobacco, 149 p. 98.
 St. Mark Church, burning of,
 proclamation concerning, 308
 p. 177, 308 i.
 seal, old, defaced, 343.
 returned, 312.
 Shenandoa River, 308 p. 177.
 Stafford, copper mines at,
 315 i.
 Sugar Colonies monopoly,
 objection to, 28.
 survey of, expense of, 308 p.
 178.
 importance of, 308 pp.
 177, 178.
 recommended, 308 p. 177.
 Surveyor General of. *See*
 Robinson, John.
 tobacco, 24 p. 17, 87 p. 61.
 tobacco act, dislike of, 149 p. 98.
 disturbances on account
 of, 308 p. 177.
 good effect of, 376.
 Lt. Governor's defence
 of, 149.
 planters' reaction to-
 wards, 149.
 repeal of, urged, 149.
 uneasiness caused by,
 149.
 tobacco, alteration in customs
 duty on, proposed, 308 p. 177,
 309, 309 i.
 false packing of, 149 p. 98.
 low price of, 309.
 effect of, 24 p. 18,
 309 i.
 planters, grievances of,
 308 p. 177, 309.
 petition from,
 308 p. 177, 309.
 tobacco trade, 406.
 abuses and frauds in,
 308 p. 177, 309.
 management of, measures
 proposed for amendment of,
 explained by Mr. Randolph,
 309, 309 i.
 regulation of, success of,
 241.
 warehouses burnt, pro-
 clamation concerning, 308 p.
 177, 308 i.
 trade of, 31 i p. 22, 87 p. 61,
 406 p. 230.
 with Bermuda, 406 p.
 230.
 with France, 406 p. 231.

Virginia, trade of -*cont.*

..... with Holland, 406 p. 231.
 with Madeira, 406 p. 230.
 with N.E., 406 p. 230.
 Upper Counties, objection to
 Tobacco Act, 149 p. 98.
 warehouses burnt, proclama-
 tion concerning, 149 p. 98.

W

Whales and whale fishing, Act of
 Parliament to encourage, 400.
 at Canso, 496 i.
 scheme of, 439, 439 i;
 and see Act of Parliament to
 encourage Greenland fishery;
 Newfoundland.
 encouragement of, 439.
 licences for. *See* Bermuda;
 Pitt, John.
William and Susanna, case of, suit
 arising out of, 99 i-xii.
 Windward Islands, French, Governor
 of. *See* Champigny, Marquis de.
 Woods, H.M. in the Plantations; *and*
see under each Plantation.
 destruction of, remedies pro-
 posed, 359 p. 201.
 Deputy Surveyor of, seizure of
 white pines in Maine by, pro-
 clamation concerning, 185 i.
 in New Hampshire, log wood
 cutting, 359 p. 201.
 in Nova Scotia, waste of, 238
 p. 122.
 reserved for the Navy, in-
 fringements on, 238.
 Act to remedy
 proposed, 238 p. 123.
 Woolball, seizure of, by Spanish
 privateer, 415, 417.
 Woollen and linen manufacture. *See*
 under Separate Colonies.
 Woollen manufacture in the Planta-
 tions, 31 i p. 24, 87 p. 59.
 Worcester, member for. *See* Winning-
 ton, Thomas.
 Wynneau Bay, settlement on, 394 p.
 220, 490 p. 277.
 Wynneau River, Indians at, 490 iii.

Y

Yamassee Blutte, on Savanna River,
 127 i.

